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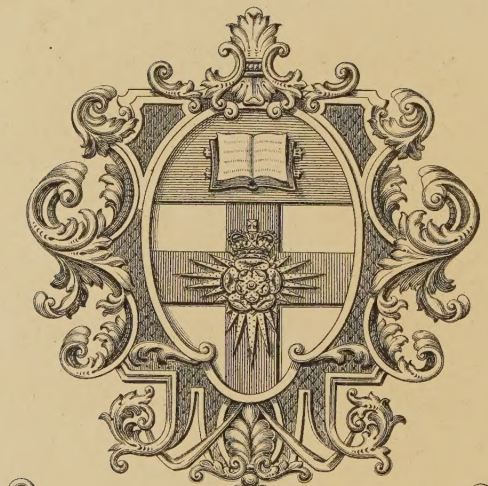

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ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS: 'NATIONAL BOUNDARIES AND TREATIES OF PEACE'

By Professor C. Oman, M.A., F.B.A., M.P., President

Delivered February 16, 1919

When first in the early autumn of 1918, it begun to occur to me that at some not very remote date I should once more have the duty and pleasure of delivering my annual address to the Society which has given me the honour of its presidential chair, I had intended to speak on a very academic topic—'The Mediæval Conception of History'. But as the months of victory wore on, and the collapse of the enemies of Great Britain became manifest, it grew more and more obvious that the only subject which the Society would wish to discuss at such a moment,—at the end of the greatest War that the world has ever seen,—would be 'Peace and its Consequences'. I acknowledge myself wholly inadequate to take up such a burden: the brain reels when it tries to visualise as a whole the consequences of the triumph of the Allies. Large books might be written even on some of the minor aspects of the crisis. At the most, one can only dare to deal, in the short

allotted space of an afternoon hour, with some one of the thousand problems which lie before us to-day.

Accordingly I have put together a few modest notes on one of the main topics with which the Peace Conference has to deal—that of the right and the wrong way of drawing State boundaries. It has been my duty of late to be very busy with maps and old historical frontiers: hence came the impulse—perhaps a presumptuous one—which leads me to read this short paper on a subject which is at present engaging all the keenest brains of Europe and America. Let us at any rate see what were the methods of the past, and endeavour to learn from them something that may be of use in determining the methods of the present.

What were the leading principles of the statesmen of elder times? It is hardly necessary to say in 1919 that of all the principles on which partition treaties have been drawn up, that of 'compensations'—so dear to the diplomatists of the eighteenth century,—is at once the most iniquitous and the most fruitful of future troubles. We may or we may not believe in the 'Balance of Power' as a practical ideal. But to hold that because one State has received an increase of wealth or territory, all its neighbours or rivals are entitled to similar augmentation, presupposes that there are always available lands or sources of wealth that can be pared or cut away like cheeses, without any moral hindrance. 'Compensations' always meant in practice the mangling or the extinction of small (or weak and misgoverned) neighbours for the benefit of the strong. It may sometimes be the case that small States have continued to exist for no very obvious reason—they may not represent a national unit, or even a rational geographical unit; they may have been called into existence by a lawyerlike partition of heritages, or have been created to serve as an appanage or endowment for some forgotten personage or dynasty. Such is Luxemburg to-day, such were Parma or Lucca the day before yesterday. Nevertheless the principle that States without a *raison*

d'être may be swallowed by their greater neighbours, without any reference to their own desires or prejudices, is not only immoral but fraught with ruin for the devourer in the end. Voluntary unions, aggregations by mutual consent, whether of units of the same racial group as in the United Italy of 1860, or of units not racially connected but with closely linked political and geographical connections, like the cantons of Switzerland, or the Walloon and Flemish halves of Belgium, no wise man will discourage. It is the free consent and the will to hold together that matters, not race, or language, or religion—as witness Switzerland. But where the wish to coalesce and to cohere does not exist, the treaty maker draws his boundaries in vain, whether he talks of 'compensations' or of 'natural frontiers,' or of 'strategical necessities'.

The only cases in which annexations on the 'compensation' principle have not been obviously deleterious to the annexer, sooner or later, may be found in cases where the people of the land transferred have no particular preference for their former Status, or loyalty to it, and no particular objection to the power which is taking them over. When there are two or many States in the same large national group, which are competing with each other, it may be a matter of comparative indifference to the inhabitants of a county or a city, whether they are inside the boundaries of one or of another. Take, for example, mediæval Italy—a citizen of Brescia or Vicenza would have undoubtedly preferred independence in a minute city-republic. But if this was impossible, as sad experience showed, it did not much matter to him whether he became a subject of the Duke of Milan or the Doge of Venice. Or similarly, a few centuries later, an inhabitant of Arras or Douai or Lille, felt no enduring resentment when he was taken out of the dead non-national aggregation that we call the Spanish Netherlands, and put inside the limits of the kingdom of France. He

owed no reasoned loyalty to Philip IV, or Charles II of Spain, and took no interest in those distant and unseen personages. He was certainly not worse governed after the change of masters; he fell in among old neighbours of the same language, religion, and culture. The generation born after the annexation were good Frenchmen, and had no desire to be anything else. The most elaborate of all rearrangements of boundaries that ever took place in Europe was undoubtedly that which was carried out in Germany in 1803, when, in accordance with the so-called 'Reichsdeputationshauptschluss' the resolution of the Committee of the Diet of the Empire, all the German ecclesiastical States and many of their smaller lay neighbours were extinguished and parcelled out among the more powerful dynasties. This was done theoretically upon the principle of 'compensations'—the ostensible motive being that the dynasties which had suffered territorial loss by the carrying up of the boundary of the French Republic to the Rhine, such as Prussia, Bavaria, Wurtemberg, Oldenburg, should be compensated by distribution of German lands on the hither side of the great river. This was, in fact, only a cloak for general greed on the part of the larger dynasties, since many States which had lost nothing beyond the Rhine joined in the scramble and were great gainers.

Immoral as this transaction was, it was less of a sin than many smaller redistributions on the principle of 'compensation' have been at other times. The transferences of allegiance were all inside the Germanic body, and did not involve subjection to a completely alien and external master, as did so many of the changes of boundary that Napoleon carried out a few years later. Moreover, the old ecclesiastical principalities, which formed the greater part of the redistributed land, were dead units with no national life or national pride. It is possible to be loyal to a dynasty, or to a city republic or canton enjoying municipal autonomy. But an ecclesiastical State, where

the ruler always appears from outside at a mature age, when elected as bishop or abbot, rules for a comparatively short time, since he never (or seldom) comes in as a young man, and then gives place to another old gentleman with a completely different origin and *entourage*, can naturally claim little or no loyalty from its subjects. If the German ecclesiastical States had been worked on constitutional principles, and the inhabitants had been governing themselves, with the bishop as a mere changing figure-head, things would have been different. But the prince-bishoprics and the abbacies, like other contemporary small States, were not constitutional in their governance, but autocratic or bureaucratic. There might be local 'estates' or councils of some sort, but they had not the governing power. That lay with the bishop and his bureaucrats. Hence there was singularly little opposition or resistance anywhere to the confiscation of the ecclesiastical States. They were usually of inconvenient shapes, often divided up into many isolated patches (especially Mainz, the biggest of them all) and destitute of cohesion within themselves. On the whole the transferred subjects lost little by the change of allegiance—sometimes they actually profited, by being absorbed into larger units and seeing an end of silly local frontier tolls and market restrictions and monopolies. The real grievance of the 'Reichsdeputationshauptschluss' was not the extinction of the ecclesiastical States, but that of the small free cities of the empire, places like Ulm, Goslar, or Heilbronn, for the big republics like Hamburg, Frankfurt, and Augsburg were still left to survive. The small free cities were no doubt anachronisms and anomalies—yet with a real memory and tradition of self-governance which it must have been hard to give up when the city was swamped. They might legitimately murmur that they had not been given their choice, though narrow and oligarchic municipal autonomy was a doubtful joy.

Far more intolerable than being handed over to a neighbour of common blood and language was the fate that befel countless European regions in the eighteenth and nineteenth centuries, when they were annexed without their consent to alien and enemy powers, with which they had none save hostile relation in the past. The worst of all, no doubt, was the partition of Poland, where the principle of 'compensation' was worked out to its most shameless extreme. Austria avowed no justification of any other kind for her annexation of Galicia in 1772—yet oddly enough her moral guilt was not quite so great as that of Frederic II or Catherine II, who could make out much better historical and political claims for their plunder at the First Partition than did Maria Theresa. But though their case might be plausible, their intent was pure robbery of the weak when occasion offered. Austria was a consenting party rather than an originator of the crime, indeed the Empress professed regret at her own policy—*elle pleure, mais elle prend.* For the third and worst Partition, that of 1795, all three parties concerned were equally guilty, and equally destitute of any valid excuse. And all three are very properly paying for their crime a hundred and twenty years later, now that United Poland, with free access to the Baltic, and boundaries corresponding to those of the actual Polish nation, is being reconstituted—a State that if the fates grant her a happy rebirth will at once provide a barrier against the Prussian *drang nach Osten*, and also keep anarchic Russia out of her foothold for advancing into central Europe. It is strange to see the fate of eighteenth century Poland revenged on all the three who plundered her on the plea of compensations. They are *now* what she *was*—writhing in faction and civil war, breaking up into fractions, unable to keep together in state-unity. Austria and Russia have burst up into fragments—will Germany—one wonders—do the same? There are certain signs of it. At least all the morals and lessons that used to be read to the old

Polish oligarchy, may now be rehearsed, with complete justice to the three robbers of 1795.

But the partition of Poland, though the most inexcusable, was by no means the only crime that was perpetrated under the excuse of the principle of 'compensation'. It is hard to say whether Napoleon or the victors who combined to pull him down after Leipzig were the greater offenders in the cutting up of live organisms, or the putting together of impossible combinations. On the whole I am inclined to think that the maddest of all the experiments was the Emperor's projected plan for dealing with Spain and Portugal in 1808-11. For while it might be said that the inhabitants of many parts of Italy and Germany were accustomed to being handed about from one master to another—often to an alien owner, as witness Milan, Naples, Parma, Holstein, or Silesia—the case was very different in Spain and Portugal. There the national feeling was very real, fierce, and intolerant; we may add that the mutual hatred of Spaniards and Portuguese was one of the best marked racial antagonisms in Europe. Hence I should have doubted if it were possible to find any plan more insane than the project of 1808,—by which Portugal was cut up into three parts, of which two were to serve as appanages for the Queen of Etruria and the Prince of Peace, while the third was to be annexed to the Spanish crown,—if we had not to record the later project of 1809-11. By this the whole of Portugal was to be made over to the French King of Spain, while the unfortunate Joseph Bonaparte was, on the principle of compensation, to make over to his brother and the French empire all Spain north of the Ebro, Navarre, nearly the whole of Catalonia, and half of Aragon. It was certain that the Portuguese would loathe to become Spanish subjects—all their national pride was tied up in the story of their successful resistance to conquest, both in the Middle Ages and in the seventeenth century. But it was still more certain

that Navarrese and Catalans would never submit to become Frenchmen. The humour of the situation, when the Emperor broached his plan, was that three-fourths of Catalonia, after three long years of French invasion, was still holding out heroically, though all it fortresses had fallen, while Navarre, with the exception of the single city of Pampeluna, was practically in the hands of the arch-guerilla Mina, the most audacious of all the troublers of the French line of communications. The project of annexation never got any further than the appointment of imperial prefects for some of the annexed departments. Several of them were never able to get to their appointed places of residence.

But mad as this scheme was, some of the annexations which the Emperor actually carried out were hardly less absurd. The adding in 1810 of Hamburg, Lübeck, and Bremen to the border of the French empire, the gift of Tyrol to the King of Bavaria, the arch-hereditary enemy of all Tyrolese: the detachment of Geneva and of Valais from Switzerland, the creation of the monstrous kingdom of Westphalia, were all sins of the first class, since they all necessitated the overruling of real local patriotism, fully existent and lively. In each case the feeling against the change was bitter—in Tyrol and Westphalia it led to desperate insurrections when the first chance offered. I say nothing of the changes in Belgium and Italy, for which much more justification could be pleaded. On the other hand, as examples, where the omnipotent Emperor refused to link up regions which would gladly have joined their nearest racial neighbours, we may mention his leaving Galicia to the Austrian Emperor, when he reconstituted his new Polish state—the 'Grand Duchy of Warsaw,' and his perverse refusal of Tuscany and Rome to the kingdom of Italy, to which they should under all possible consideration have been united. These sins of omission were almost as great as his sins of commission named above.

As to the adversaries of Napoleon, the victors of 1814, and the sins which they committed after his fall, at the Congress of Vienna, we must distinguish between two sorts of errors, the one more and the other less excusable. The first class were mere reassertions of the old principle of 'compensations,' changes of territory which resulted from mere bargains between the various great powers as to the annexations which each one of them should be allowed to carry out. The second and more venial class of errors consisted in experiments in state-building, which it was believed would meet with the approval of the parties concerned, when the first feeling of friction had time to wear down. To the more unpardonable list belong the cutting up of the Napoleonic kingdom of Italy, and the repetition on somewhat modified lines of that old crime the partition of Poland. Of all the evil-doings of the Congress of Vienna, the worst undoubtedly was the reconstruction and enlargement of the former partial domination of the House of Hapsburg in the Italian peninsula, by which not only Milan (as from 1714 to 1797) but the whole of the ancient territory of the Venetian Republic was annexed to Austria, while Tuscany, Modena, and for a time Parma also, were placed under minor members of the Hapsburg family, who were for all intents and purposes the satraps of Vienna. This was an entirely retrograde and immoral arrangement—Metternich, its author, was a statesman of the eighteenth century type, upon whom all the national revivals of the Revolutionary Epoch had produced no impression whatever. It ignored the whole lesson of the last twenty years, and was bound to fail in the end from its inherent stupidity. The only wonder is that it was not shaken to pieces in 1848, at the first outburst of Italian revolutionary enthusiasm. That it survived eleven years longer, till 1859, was only due to the extraordinary combination of misplaced particularist spirit and of bad military organisation which marked the insurrection of

1848. Granted a better will to combine, and more competent strategy, the Italians must have succeeded in their effort, for the Austrian Government was fighting with one hand tied behind its back, owing to the contemporary Hungarian rising, which distracted half the forces of the monarchy to the side of the Danube.

The revised partition of Poland at the Congress of Vienna, which differed from the old arrangements of 1795 merely by giving less Polish soil to Prussia (compensated on the Rhine), and to Austria (compensated in Italy), and much more to Russia, is quite worthy to be classed with Metternich's doings in the South for deliberate ignoring of nationality. The only plea for mitigation of judgment that can be made is that Czar Alexander I promised to introduce, and actually did introduce, in his so-called 'Kingdom of Poland,' a certain measure of constitutional government and autonomy. It worked not altogether badly for the fifteen years for which it lasted. But a constitutional kingdom of Poland was bound to aspire to the recovery of the lost Polish provinces left in the hands of Prussia and Austria. On the other hand the Russian Czar, calling himself King of Poland, was the inspirer of the 'Holy Alliance,' the league of Russia-Austria-Prussia, which was in its principles anti-nationalist, anti-liberal, and absolutist. The prospect for Poland, therefore, was far less happy than it might have appeared, though the Czar had chosen to adopt the pose of a constitutional king.

Its Polish and its Italian policies were the main crimes of the Congress of Vienna. As to its doings within Germany we need not speak at length—all the transferences of territory were of the same class as those which had taken place in the eighteenth century, or in 1803 at the 'Reichsdeputationshauptschluss,' or during the Napoleonic despotism, *i.e.*, the annexed people were only transferred from one master to another within the same national group, not given away to an alien power. All were still within the boundaries of the newly-created

Germanic Confederation. Whatever the grievance, and it was felt acutely in some districts, *e.g.*, the annexed fractions of Saxony which went to Prussia, it was not of the same degree of bitterness as in Poland or Italy.

It remains to speak of two achievements of the Congress of Vienna which were of a much less criminal character, though they turned out ill in the end. Each of them might pass for an ingenious and equitable experiment in state-building, by which the parties concerned had much to gain and nothing tangible to lose. It is some small satisfaction to know that there were the two sections of the Vienna changes upon which the British representatives were most set, and which they were mainly instrumental in carrying out. At least our own special contributions to the settlement of 1814-15 were not so obviously iniquitous as those of Russia, Prussia, and Austria. I allude, of course, to the joining of Belgium and Holland in the new kingdom of the Netherlands, and to the dynastic union of the crowns of Sweden and Norway. For each of these experiments there was much to be said: Belgium and Holland had common political interests and close juxtaposition to help them to unite: Norway and Sweden had common blood, language, and religion, as well as the geographical nearness. Yet both these unions failed completely from one cardinal fault—whatever might be the common interests of the parties, they had no common sentiments; they had always disliked each other, and continued to do so after they had been forced into an undesired combination. This was the sole cause of the failure—it is superfluous to point out mistakes in detail in the administration of King William of the Netherlands to the detriment of Belgium, or ways in which successive kings of Sweden irritated Norwegian susceptibilities. These were mere aggravating incidents, not fundamental causes of disunion. The essential fact was that national feeling—the desire for self-differentiation as we should call it to-day—prevented

the acceptance of two compromises which might well have worked, if the will to give them a fair trial had existed. With national feeling one cannot argue—the task is hopeless. This Castlereagh and Wellington failed to understand, like most men of their own and subsequent generations.

The second false principle, only second in its power to do evil to that of 'compensations,' is that of 'natural frontiers'. It seems plausible to lay down that State boundaries ought to follow marked geographical lines of demarcation, and to argue that both of two neighbouring nations will benefit by an agreement to draw their frontier along a line of defensible natural obstacles, a lofty watershed, a very broad river, or a chain of lakes and marshes. But there are two fatal objections to the general application of this attractive theory. The first is that two rival powers will develop the most divergent views of what are their 'natural boundaries'. The Frenchman hankers after the idea that the Rhine is the obvious geographical limit of France eastward, as it was in the time of Julius Cæsar's Gaul. But the German was equally certain that watersheds are more satisfactory 'natural boundaries' than rivers, and demonstrated that the Vosges and the Ardennes are the proper eastern boundary of Germany, if he did not go a step further and claim that the whole plain of Belgium and Holland is only a western extension of the great plain of northern Germany, and ought to be incorporated in the same geographical unit. A *reductio ad absurdum* of such reckless assertion was Napoleon's famous epigram when he annexed Holland to his empire in 1810, with the startling observation that the whole of that country was merely 'the detritus of those two great French rivers the Rhine and the Meuse'; this French mud ought obviously to be a French possession. But there are other regions as well as the Rhineland where demands for 'natural frontiers' or 'strategical boundaries' lead

to most undesirable ambitions. Such for example is the claim of Italy to the line of the Brenner Pass because it is the watershed between the rivers that flow south to the Adriatic and those that flow north to the Danube. Unfortunately there are on the south of the Brenner nearly 300,000 German speaking Tyrolese, on the upper Adige and Eisach, and to give them to Italy on geographical first principles is only to create a 'Tyrolia irredenta' quite as indefensible as the 'Italia irredenta' of the Trentino, which has been such a legitimate grievance since 1803, when the Hapsburgs first annexed the bishopric of Trent. It may suffice to say that on geographical first principles Andreas Hofer's own valley of Passeir, the home of all Tyrolese patriotic legend, must become Italian soil. It is hardly worth while, perhaps, to cite the most obvious of all cases where the strict enforcement of 'natural boundaries' would produce a result to which even the most hardened geographical purist could hardly give his approval. I allude, of course, to that interesting anomaly Switzerland, which on the theory of the all-importance of watersheds, ought certainly to be divided up between Germany, France, and Italy. For no one can dispute that the Ticino valley is south of the main chain of the Alps and belongs to the basin of the Po, that Vaud, Valais, and Geneva are equally certain parts of the Rhone system, and should be given to France, while the remaining larger half of Switzerland, the valleys of the Aar and its tributaries and the Upper Rhine, should logically go to Germany. No one would be so insane as to propose to trisect Switzerland on first principles of physical geography. I fail to see why those principles should have any more validity if applied to the German-speaking parts of Tyrol, or to the Balkan Peninsula.

The insincere and unconvincing talk about 'natural boundaries' generally complicates itself, in the mouth of those who use it, with the other plea about 'strategic

necessity'. The only difference between them is that inthe one case chauvinism has concealed itself under the disguise of inevitable geography, while in the other it has converged from the cloak naked and unashamed, and simply sets forth the will of the stronger. For it is, of course, invariably the victor who talks of 'strategical necessity'. Thus did Napoleon, when, after long pretending that the Rhine was the natural boundary of France, he stretched his hand across it to take Wesel—an inevitable bridgehead. Thus, too, did the German General Staff in 1871, when they insisted on adding Metz, a purely French fortress, for whose annexation no decent excuse could be found, to the already 'earmarked' Alsace, which German historians and ethnologists could find plausible justification for claiming. The plea of strategical necessity, always a mark of immoral intention, becomes still more unconvincing in these present days. For military experience in the long war of 1914-18 has shown that so far are strategical lines from being the only positions that can be held, that almost any line, drawn across a map in despite of natural obstacles, can be maintained by a good army that knows how to make use of plenty of trenches. The most impossible lines, which seemed to defy all military rules, have been held against the most formidable attacks. Such were our own Ypres salient, held for years, or the line along the Piave on which the Italians stopped the Austrians after the disaster of Caporetto. Specialists kept demonstrating on paper that they could not be held, because they defied all strategical rules: held nevertheless they were. More than ever to-day the phrase 'strategical necessity' should be marked down as the cloak of chauvinism and unscrupulous lust for annexation.

The critic may perchance observe that if we stigmatise boundaries by 'compensation,' 'natural boundaries,' and 'strategical boundaries' as all objectionable, we are driven back on to the sole principle of self-differentiation, the

choice of the inhabitants, as the guiding principle, and that this principle is not applicable in all regions and in all cases. This must be frankly conceded. Though in western Europe there are few countries where it is impossible to draw an honest boundary, in accordance with the rational desire of the inhabitants, the same is not the case in eastern Europe. There are terrible problems in Bohemia and Transylvania, and still worse ones in the Balkan Peninsula. We find regions like the Banat or Macedonia or Thrace, in which it may be said that no race has the numerical superiority which entitles it to claim to decide on the fate of the district, in which it lives mixed up with not one but perhaps two or even three alien nationalities. And we can find others, like Transylvania, where a solid block of the minority lies surrounded on all sides by the majority, yet is so large that the honest drawer of boundaries finds it very hard to concede that it must forfeit its right to decide for itself, merely because it is cut off by an intervening strip of alien soil from the main body of the people to which it belongs.

Yet it is perfectly clear that we cannot sanction the creation of a political settlement which should resemble an enlarged edition of the county of Cromarty on the map of Scotland, in which a State should be divided into many isolated *enclaves* not cohering, but separated from each other by long distances. We cannot, in the twentieth century, call for a new Sennacherib or Nebuchadnezzar, who should deport all small outlying groups of population, and replant them in spots more geographically reasonable. This might conceivably be done on a small scale, by bargain between the States concerned, each undertaking to find land for its co-nationalists on the acres from which aliens have been removed. Even so, every deported farmer would grumble that he had suffered by the bargain—such is human nature. But on a large scale, and where old national traditions are concerned, and the people who are to be evacuated possess

a history and a national consciousness, this can hardly be done: it seems to sin against fundamental human rights. The best solution which can be suggested is not wholly satisfactory. This is the grant of liberal local privileges to alien *enclaves* of population, which must yet understand that they have no political autonomy as against the State to which they have to be assigned for geographical reasons. I mean the concession of the official usage of their own language, alongside of that of the language of the State, and full provision for their own schools and other cultural necessities. These are the kind of rights which we have granted to the Dutch of Cape Colony—to use a familiar example. The difficulty is that the administration of these privileges in practical detail always leads to friction: the State is normally accused of being unsympathetic and arbitrary; the privileged minority is charged with being provocative, captious, and irrationally suspicious. And usually there is some truth in each of the countercharges. The case becomes especially difficult when there exists, at a short distance from the discontented *enclave* of population, a national State to which the *enclave* belongs by culture and sympathy. There the malcontents always receive moral aid and support from outside, against their own government.

The larger and more heroic solution of such a problem is that which may be seen in Switzerland or in the South African Union—the federation into a single composite State of the whole group of diverse nationalities, whose juxtaposition and geographical interpenetration causes the difficulty. For, of course, the lot of people dwelling in isolated racial 'pockets' or *enclaves* would be quite different, if the State with which they have to deal is not a wholly alien one, but a composite unit, in which their own outlying countrymen form part of the governing body.

The wisest heads in the Balkan Peninsula have already

thought of this solution: the idea was at the bottom of the 'Balkanic League' of which M. Venizelos was long the prophet and exponent. It is undoubtedly the ideal way out of the difficulty. But is this solution immediately possible in the cases of bitterly opposed peoples like the Greeks, Serbs, and Bulgarians? During the last three years the Bulgarians, in alliance with Austria, the hereditary enemy of Serbia, and Turkey, the hereditary enemy of Greece, have been committing atrocities on a very large scale among the Greek and Serbian populations which had fallen for a time under their power. Indeed we are not doing them wrong if we say that they have actually been engaged in an attempt to exterminate the Greek and Serbian elements in Macedonia. Can it be expected that, within any reasonable time, the peoples who have come to their own, owing to the general victory of the Allies, will consent to take the Bulgarians into complete and equal partnership, and give them their aliquot share in the governance and organisation of a general Balkanic League? It is interesting to see that the vanquished party have now begun to talk over the topic, and to place all the blame of the recent war and its atrocities on their dethroned monarch and his political satellites. But the question is now not what the Bulgarians may think, but what are the views of the main body of the Greek and Serbian peoples. They would be more than human if they were to see much attraction in the idea of being partially governed by the representatives of a nation which is not only an old enemy, but has—during the years that are only just passed—displayed all the extremes of chauvinism and barbarity. It is probable that the happy device of the 'Balkanic League' must remain an aspiration for the future, when hatreds have had time to cool, rather than a practicable scheme to be applied in the immediate present. It is a case of 'wait and see'.

The idea of federalisation applied in this corner of

eastern Europe may well lead us up to the larger topic on which so much is being spoken and written at present —the scheme which in its widest form has been given the name of the 'League of Nations'. So many speakers and writers have given so many different shapes to this most attractive ideal, that whole books might be written to the mere end of setting forth the various differences of detail. He would be a bold man who, at the end of a discourse which has already reached an adequate length, would venture on a pronouncement upon this high and noble project. Critics have already pointed out the practical difficulties that must attend its inception and its permanent working. On what principles will the seats in the Governing Council of the world be allotted? Can states with an evil record be permitted to take up at once their part therein? What will be the composition and organisation of the international force which must be the ultimate executor of the mandates of the omnipotent central board? Granting that the force is adequate, and competent to discharge the end for which it is raised, what are to be the methods of punishment used upon disobedient and vanquished dissidents? One may suggest dozens of such questions, and the discussion of them would be interminable. Yet I am optimist enough to believe that 'where there is a will there is a way,' and that half the problem is solved when we find that there is a general and reasoned adherence to the main ideal of a League of Nations. The criticisms that are put forth against it are many and plausible, but the important thing is that they are criticisms, not definite negations of the ideal. Few or none among the critics dare to repudiate the whole scheme; they carp at details precisely because they cannot, in the face of the general opinion of the world, repudiate it as a whole. And this is a great gain: the aspiration being once conceived, time is its ally. We must be patient, and allow the propaganda to make its own way, without hurrying it on, or permit-

ting ourselves to be discouraged by local and temporary checks and hindrances. It may seem a truism, or a piece of banal optimism, to say that if the ideal is the right one it will conquer in the end. But believing in it as I do, I am content to leave the problem as stated, and to bid the critics ponder on the words of Gamaliel: 'If this counsel be of men it will perish: but if it be of God, beware lest ye be found fighters against God'.

BRITISH AND ALLIED ARCHIVES DURING THE WAR

(*Communicated, December* 12, 1918)

As the present condition of the National Archives of the British Empire and its Allies was likely to become once more a matter of practical interest to historical students, the Council of the Royal Historical Society desired the Director to ask the favour of communications on this subject from Corresponding Fellows or other authorities.

The following communications were laid before the Society on the above date. The Council contemplate inviting further communications during the Session of 1919-20, dealing with the Archives of the Dominions of the British Empire and some other Allied countries.[1]

ENGLAND

Communicated by the Director

A partial survey of the English Archives during the War has already been made by your Director in another official capacity, and it has proved somewhat unprofitable, though the experience has been instructive. The truth is that we have no satisfactory guide to the Archives—nothing resembling the continental *Directories* or the American *Guides:* neither have we any professional periodicals issued by our archivists, though their col-

[1] An interesting and instructive paper on "The Dispersion and Destruction of Historical Records during the War" was read by Professor C. H. Firth, then President of this Society, before the British Academy on December 12, 1917.

leagues, the librarians and men of science or literature, have this advantage, which many other workers share. Even the allotment-holder has a periodical devoted to his work and interests. Moreover, the distractions of the War have deprived us of the few handy-books of reference that might have been available, whilst the shortage of paper and the rigour of official economies (where science, literature, and art are concerned) constrain the war-time investigator to attempt to make bricks without straw.

These Archives of ours are to be regarded as of two sorts: (1) the Central (*i.e.* Metropolitan) Archives; (2) Local (*i.e.* Provincial) Archives. From another point of view they may be considered as public, semi-public, and private Archives. The Central Archives include the Public Record Office, and, for information as to its activities during the War, we naturally refer to the Annual Report of the Deputy Keeper of the Public Records. The learned have said severe things about the modest dimensions of this Report, but now they will realise its true value; for the last Report that has been allowed to appear, relates to the year 1916. The nation has indeed saved the cost of a few hundred copies of an 8-page Command paper, but the necessity for this decision is to be regretted, if only for the reason that it would have enabled us to compare notes more fully with those among our Allies who keep the flag flying over their national Archives.

It is satisfactory to ascertain from the Reports issued from 1914 to 1916 that the activities of the Record Office have been only crippled and not extinguished by the War. It has always combined several distinct functions, and these have been continued and even supplemented throughout the War.

For example, the Record Office has given hospitality on rather a large scale to the Record Sections connected with the Imperial Forces, including British, Canadian

Australian, and New Zealand detachments: but the Deputy-Keeper's Reports would also show that the work of the Record Office in catering for the public who frequent the search rooms, and in supplying certified copies and information for legal or official purposes has continued with little interruption or diminution. Therefore, as far as statutory requirements are concerned, the flag has been kept flying; but no money has been forthcoming for publishing record works prepared since the beginning of the war: those produced since 1914 were volumes already in the press. Again nearly half the staff has been detailed for various forms of war service, and the necessary operations of arranging and preparing the records have been retarded in a corresponding degree. As several hundred thousand parchment membranes or paper leaves were repaired annually before the War, this set-back must be regretted by all students of history; for the loss of historical documents by wear and tear, or from decay induced by damp, is already a great and a progressive evil.

The Deputy-Keeper's Reports from 1914 to 1916 indicate an increased activity on the part of the Committee of Inspecting Officers, which administers the Act of 1877 for safeguarding the disposal of official documents; but the Historical Manuscripts Commission and the agencies in foreign Archives have been equally affected by the enforced suspension of their publications.

The Public Records actually transferred to the Public Record Office have been fully dealt with in the First Report of the Royal Commission on Public Records (1912).

For the out-standing Public Records, namely, those connected with the courts of justice, statutory registries and public departments, some of which have already transferred their earlier documents to the Public Record Office, we have no information worth speaking of other than that contained in the Second Report of the Royal Commission on Public Records (1914). The Third Report

of the Commission, dealing with the War Records, though completed last March, has not yet been presented, by desire of the Treasury. The development and disposal of the War archives is in itself a fascinating subject of inquiry and speculation for archivists in every country, and it is not too much to say that the value of the national histories of the War must largely depend upon their vigilance and judgment in this matter.

As for Local Records, the conventional types familiar to us as County, Municipal, Ecclesiastical, and Parochial Records, together with the records or muniments of official or statutory authorities, literary institutions, learned societies, and private collections, have to some extent been affected by shortage of accommodation and labour, and it is to be feared that many documents will be found to have been disposed of in order to relieve the shortage of paper. On the other hand, the publications of local societies, have been remarkably well sustained. An interesting problem arises with regard to the effect of the War upon the dispersal or disposal of manuscript collections. If these follow the landed estates now in course of being realized, there will be much to be said in favour of legislation to enable the State to recover documents of a public nature which were removed by former Ministers of State from official custody.[1]

SCOTLAND

(Communicated by R. K. Hannay, M.A., F.S.A. (Scot.), of H.M. Register House, Edinburgh)

Most of the Public Records of Scotland are in the Register House, Edinburgh. Past experience and present

[1] Since this communication was made, the Council of the Royal Historical Society has arranged for the publication of a Repertory and Directory of English Archives which is now in the press, edited by the Director, with assistance from the Honorary Treasurer, the Honorary Secretary, and several post-graduate students of the University of London who are also Fellows of the Society.

conditions point clearly to centralisation. There are, however, exceptions which have been too long neglected. The suggestion by the Select Committee on Public Records in 1800, that Sheriff Court and Justiciary Court papers should be in the central repository, never had effect. The question of the Sheriff Court papers is urgent. Preservation of these valuable records is of national importance. At present the Clerk Register has no effective control over custodians in the counties. Access to the older papers is not easy: there is some grave disorder: occasionally even anxiety regarding their safety.

The Burgh records, the only other important registers outstanding, present more difficulty. In certain cases they are in excellent condition, and really accessible. Local feeling, in these cases, might resent centralisation. Yet it would be a misfortune if the legitimate pride of some prevented measures to remedy the carelessness of others.

There is lively interest in local history and antiquities; but that interest need not fear a centralising policy, if it ensures preservation and increases general accessibility. Even as it is, the serious student of local antiquities finds his MS. material chiefly in the Register House.

The complement of centralisation is judicious publication. In 1866 a grant was obtained for a Scottish Record Series, renewed annually till the present war. Besides the invaluable *Register of the Privy Council*, Maitland Thomson's volumes of the *Register of the Great Seal* are a notable achievement. In some ways, however, the general policy was questionable. Editors were not record officials; and they prepared the texts themselves or paid transcribers. This was wasteful. The public obtained many excellent volumes; but not a full return for its money. The wiser course would have been to add competent men to the Record Office staff and to invoke extraneous aid only when it was recommended by exceptional qualifications.

The permanent staff in the Record Office is quite inadequate for the exploitation of the Archives: barely adequate for their proper custody. The publication of some records has left others practically without index or guide; and much historical matter is accessible only to those who have a lifetime at their disposal. Indexing on a modest scale, recently undertaken, has proved a great boon; but the ultimate aim must be the increase of permanent staff as the most economical way of spending the public money. The late Deputy-Keeper of the Records did a great service in compiling his *Guide*. The next step should be a closer analysis of many records which are a storehouse of information, and which cannot be printed.

It is perhaps surprising that in Scotland, where national annals have always had a vivid interest for the people, the historical aspect of our Archives has been imperfectly recognised. This is largely due to the fact that the teaching of History is not properly developed. Of history romantic, patriotic, dogmatic, and controversial we have a supply: we are less accustomed to history as an inquiry. The Universities are still in the trammels of the lecture and examination system, not favourable to the acquisition of style or technique; and Scottish historiography needs refreshment from a study of sources. For some years the Carnegie Trust has subsidised post-graduate research, with good results. Possibly, however, neither the trustees nor the University authorities are fully alive to the prospective advantages of greater intimacy with the Record Office. If that repository is richer in legal and technical documents than in state papers, owing to the successive Unions, there is MS. material of a public character preserved by the Advocates, and in the Laing collection at the University.

For the credit of Scotland there is need of encouragement to engage in record study. One piece of work for example, among others, invites accomplished scholars—

the problem of the early laws, which, as they appear in Thomas Thomson's volume, are the despair of historians. A grave disadvantage is the absence of a National Library. The Advocates cannot be expected to bear the public burden indefinitely; and the advance of record study will depend upon the solution of this difficulty, as well as upon the historical awakening of the Universities and the fuller equipment of the Record Office.

IRELAND

(*Communicated by Herbert Wood, B.A., M.R.I.A., Assistant Deputy-Keeper of the Public Records, Dublin*)

The Irish Public Records, like those of other countries, have not been immune from the losses suffered by fire, theft, carelessness, and the many other ailments which have affected the records of the past in all countries. Perhaps, too, the distracted state of the country for several centuries has rendered them more subject to such destructive agencies than those of the sister country. But it is wiser to be thankful for what has been preserved than to mourn uselessly over what has been lost. With few exceptions, the Irish Public Records may be said only to commence with the seventeenth century. But these exceptions are of immense value. The chief stronghold in the country was the seat of government, Dublin Castle. Here, in the Birmingham Tower, were preserved, though not without some losses, a collection of records, which when properly calendared, will provide much valuable material for re-writing the history of the colonial government of Ireland. The magnificent collection of Plea Rolls dates back to the thirteenth century. These consist of the rolls of the Justiciar's Court which ultimately became the Court of King's Bench, of the Justices Itinerant, and those of the Common Bench, or Court of Common Pleas. The first series, commencing

in 1295, contains not only the cases coming before the Justiciar either in Dublin or when travelling through the country to decide the pleas of the Crown and act as a Judge of Appeal, but also other matters such as royal writs, etc., which he considered it expedient to record upon his rolls. These as well as the rolls of Justices Itinerant commencing in 1252, and those of the Court of Common Pleas, commencing in 1278, contain much valuable material for tracing the gradual evolution of judicial procedure, as well, incidentally, as many social features of importance. It is true that the judges and their clerks were generally Englishmen, who brought over the judicial methods prevalent in England, but it must be remembered that the judges, in their judgments, were often guided by the custom of the country, which, *e.g.* in the case of dower, frequently differed from the English custom. In the same stronghold were preserved the Exchequer Rolls, the fine series of Pipe and Memoranda Rolls, in which the financial government of Ireland, in its receipts and expenditure, was carefully recorded. The Pipe Rolls commence in 13 Henry III, and contain, in minute detail, the accounts of sheriffs, escheators, guardians of royal manors, collectors of customs, expenses for expeditions of war, fortifications and works. The Memoranda Rolls, commencing in 31 Edward I, are a mine of information not only about the financial administration of the country, but of many other matters affecting the Exchequer which the Chief Remembrancer thought worthy of record.

Another record of the Court of Exchequer, of considerable antiquity, is the Red Book of the Exchequer, whose earliest entries were apparently made at a period not later than the reign of John or Henry III. It was written partly on vellum and partly on parchment, and consists of two parts, the first part containing an ancient Calendar in which are interpolated memoranda of remarkable events; the canon of the mass, oaths of

members of the King's Council, sheriffs, mayors, bailiffs, etc., and the Magna Charta Hiberniæ. The other part contains memoranda consisting of acts, ordinances, writs and other matter worthy of being preserved, with a pen and ink sketch of the Court of Exchequer.

It must be remembered, in dealing with Ireland, that Henry II parcelled out much of the country in baronial jurisdictions, giving his Anglo-Norman followers great grants of liberties, where the feudal owners had their own legal and financial jurisdiction free for the most part from government interference.

Of the Chancery Records, as far as the pleadings go, we have nothing before the sixteenth century, but other records of the Rolls Office are of much earlier date. They were probably at one time housed in Dublin Castle, but in the seventeenth century a home for them was built beside the old King's Inns. Amongst these we have the Patent and Close Rolls commencing as a series in Edward II's time, though two rolls contain entries of documents back to the time of Henry II. These Patent and Close Rolls contain not only grants and liberates, but the enrolment of many documents which may be considered as State Papers. Also in this collection is to be found the Statute Rolls of the Houses of Parliament back to Henry VI's time. The printed volumes of the Statutes have only taken cognisance of the Acts of Parliament which were operative at the time of printing. Thus there is a great amount of material contained in these rolls which is of importance to the historian, and which had never seen the light till the recent issue in the Rolls Series of these rolls, in their old Norman French garb, with a translation. The statutes before the time of Henry VI have also been carefully traced and extracted from various records, such as the Red Book of the Exchequer, Liber Albus of the Dublin Corporation, Plea Rolls, and other muniments where they had been entered and placed on record.

Of the Irish State Papers, however, we have unfortunately another story to tell. It was the habit of the Lords-Lieutenant of Ireland to carry away with them their state documents when they left the country, thus leaving their successors in a deplorable state of doubt as to the transactions of their predecessors. It was not till the reign of Queen Anne that a State Paper Office was erected to register the warrants, commissions, etc., issued by the Lords-Lieutenant, who still continued the unfortunate practice of carrying away with them the originals. Thus many Irish State documents are still to be found in the archives of their descendants, and the material for the history of the country would have been very scant but for the vast mass of Irish government correspondence now deposited in the Public Record Office of England. Since the State Paper Office was formed, there has been a gradual improvement in this respect.

Besides the records mentioned above, though of a more recent date, the Irish Public Record Office contains the records of the Judicial Courts (including those of Bankruptcy and Insolvency), the Irish Treasury and State Departments, the Houses of Parliament, the Clerks of the Crown and Peace, the Testamentary and Ecclesiastical Courts, extinct jurisdictions and commissions, besides other collections, which, though not Public Records, have been deposited there from time to time, such as those belonging to the collection of Christ Church Deeds, being the records of the ancient Priory of the Holy Trinity, Dublin, dating from 1174, comprising grants, leases, accounts of the Priory, papal bulls, etc. On the back of one of the account rolls was scribbled an early English poem, which is regarded as one of the earliest known morality plays in the English language, and has been called 'The Pride of Life'.

It is impossible, in the short space at my disposal, to give more than a bird's-eye view of the contents of the

Public Record Office of Ireland, but a Guide, which is being printed, and which will, I hope, shortly appear, will give very much fuller information about the treasures preserved in that repository.

The Public Record Office of Ireland, like those of England and Scotland, has been seriously affected in its work by the war. The absence of members of the staff at the front, and the impossibility of filling any vacancies during the period of this great struggle, have reduced the activities of the officers to the mere performance of the most necessary work.

The outstanding incident during the last four years has been the rebellion of Easter week, 1916. Easter Monday being a Bank Holiday, the Four Courts in Dublin were deserted by all except the policeman on guard, who was arrested by the Sinn Feiners. They easily obtained an entrance into the Record Office, and for a week held possession not only of the offices but also of the Record Treasury. No wanton destruction was committed, but they made use of the books and papers to barricade the windows, and even brought out stacks of wills (which, having been placed in envelopes, were awaiting deposit in their proper places) to block up the railings outside the building. They remained in possession till April 30, when the military took charge of the building. The staff began to re-assemble on May 2, and in three days everything had been restored to its place. The documents which had been taken out of the Office to barricade the railings of the courtyard were, by great good fortune, recovered, with a few exceptions, and of the thirteen wills missing, there are in the Record Office official copies of eight, four were English re-seals, of which fresh copies have been obtained from England, and the only will really lost is that of a soldier, which had been deposited in the Principal Registry of the Probate Office by the War Office, in 1884. Had the rebels refused to leave the building, it could hardly have avoided being

shelled by the military, with the consequent loss of most valuable material.

As the staff has been so much reduced, the production of archival work has been of very small extent, and there has only been time available for the calendaring of some small portions of Pipe, Plea, and Memoranda Rolls. The republication of the valuable indexes to the Fiants from Henry VIII—Elizabeth, which was authorised by the Treasury, has also been held up by the war.

The only publication which the Treasury has allowed to be proceeded with has been the Guide to the Public Records of Ireland, but ill-fate has dogged its steps. In the rebellion of 1916, the printer's offices were consumed by fire, and with them not only the type of so much as had been set up, but also the MSS. material for the records of the King's Bench and Common Pleas. The re-setting of the type did not constitute any difficulty, as soon as the printer could get to work again, but the MSS. of these two Courts had to be re-written. When the work was getting on, the Stationery Office requested that the printing should be suspended till after the war, but, on strong representation being made, the printer has been allowed to continue setting up the matter in type, with the proviso that it is not to be printed off till the conclusion of the war. The volume is very near completion now, and it is hoped that it will see the light in the course of the coming year.

It has been found possible to continue the facilities hitherto given to those making searches for historical and genealogical purposes. The literary certificates for genealogical searches have been more numerous than those for searches amongst the historical material in the Office, but how varied the latter have been may be seen from the following list. There were searches for material for county, diocesan, parochial, and military histories; for histories of guilds, Irish education, Irish municipal government; Irish martyrs and religious orders; local

printing and early provincial papers; the Cromwellian period and transplantation; social and economic history of Ireland in the eighteenth century; charity schools; Ulster tribal lands, Ulster topography and genealogy; Cork place names; materials in connection with editing of O'Brudair's Poems; tapestry in the Irish House of Lords; Irish violin makers and musical instrument makers; emigration to America, Georgian country houses, etc., etc.

A large collection of original deeds belonging to the Marquis of Ormonde was deposited in the Public Record Office for the purpose of being calendared by Dr. H. F. Berry, late Assistant Deputy-Keeper, for the Historical Manuscripts Commission. These deeds commence with the Anglo-Norman conquest, and, when printed, will be of great value to students of Irish history and topography. Unfortunately, though Dr. Berry has completed his task, the Treasury has not seen fit to permit his calendar to be printed.

The work that has been thrown upon the Office for the last few years in connection with searching the Census Returns and Parish Registers for old-age pensioners has seriously militated against any considerable output under the head of palæography, but now that the war is over and there is a prospect of filling several vacancies, it is to be hoped that the energies of the staff, or some at least of them, will be allowed free scope in producing, or rather rendering available for purposes of history the large mass of material which still lies embedded in our ancient rolls.[1]

I might add that, on account of the smallness of the staff, only such records have been allowed to be transferred to the Public Record Office as could not be delayed till after the war, on account of want of space in the original offices or for other pressing reasons.

[1] The *Guide* referred to above has been compiled by the author of this Paper.—H. H.

WALES

(*Communicated by John Ballinger, M.A., Librarian of the National Library of Wales*)

The National Library of Wales at Aberystwyth, the newest of the National Libraries, was founded by a Royal Charter, dated March, 1907. The objects of the library are set out in the Charter in the following terms:—

"The object of the Library shall be the collection, preservation and maintenance of manuscripts, printed books, periodical publications, newspapers, pictures, engravings and prints, musical publications and works of all kinds whatsoever, especially manuscripts, printed books, and other works which have been or shall be composed in Welsh or any other Celtic language, or which relate or shall relate to the antiquities, language, literature, philology, history, religion, arts, crafts, and industries of the Welsh and other Celtic peoples, as well as all literary works, whether connected or not with Welsh subjects, composed, written or printed in whatsoever language on whatsoever subject and wheresoever published which may help to attain the purposes for which the University of Wales, the University College of Wales, Aberystwyth, the University College of North Wales, the University College of South Wales and Monmouthshire, and the other educational institutions in Wales were created and founded especially the furtherance of higher education within the meaning of the Education Acts, 1870 to 1902, and of 1902, and of literary and scientific research. And further the creation and maintenance of duplicate and multiplicate specimens and collections to be lent and used from time to time for the purpose of exhibition and instruction at or in connection with the said Colleges and other educational institutions existing in Wales, and the preparation and circulation for instructional purposes of photographs and slides of such specimens and collections."

The election of the governing bodies of the library, *i.e.*, the Court of Governors, and the Council, the

selection of a Librarian, and the preparation of a temporary building occupied the time from the granting of the Charter to the end of the year 1908.

The Librarian took office as from the January 1, 1909. On that date Sir John Williams, Bart., G.C.V.O., transferred to the new library his valuable collections, including the reversion of the Peniarth manuscripts which he had purchased a few years before.

The removal of Sir John Williams' collections to Aberystwyth was only just completed when the reversion of the Peniarth manuscripts fell in through the death of Mr. W. R. M. Wynne of Peniarth in February, 1909, and in the following month the MSS. were removed to the National Library.

Other collections of books and manuscripts rapidly followed, a few by purchase, and many by gift. It is not possible in a brief note to follow the romantic realisation of the desire of the Welsh people for a national storehouse for the treasures of their history and literature, and a place which would bring within their reach those facilities for higher study and research, so essential if the highest results of education are to be secured.

Under the Copyright Act of 1911 the library became entitled to the privileges under the Copyright law so long enjoyed by the British Museum, the Bodleian Library, the University Library, Cambridge, the Library of Trinity College, Dublin, and the Library of the Faculty of Advocates, Edinburgh.

Meanwhile progress had been made with the plans for a permanent building, and in July, 1911, the King and Queen, the Prince of Wales and Princess Mary, visited Aberystwyth, and the foundation stone of the building was duly laid. The first section of the building has been completed at a cost of about £110,000. The library has been in occupation since March, 1915.

As regards manuscript sources the library is mainly,

though not wholly, concerned with what relates to Wales and Monmouthshire.

The principal collections under this head are as follows :—

The Peniarth MSS., the largest and most important collections of Welsh manuscripts in existence. The Welsh portion is fully described in the Reports of the Historical Manuscripts Commission, Report on Welsh Manuscripts by Dr. Gwenogvryn Evans. The other MSS. are indicated in a list published in the *Archæologia Cambrensis*, 1869-70-71. These include what is believed to be the earliest MS. of Henry of Huntingdon's *Chronicle*, the Hengwrt MS. of Chaucer's *Canterbury Tales*, and the oldest texts of the Welsh Laws in Welsh (*The Black Book of Chirk*), and in Latin.

Sir John Williams had accumulated during forty years a number of other important manuscripts, including the Welsh MSS. of the Rev. Moses Williams of Devynock, (1686-1742), described in the Welsh Reports of the Historical Manuscripts Commission as Llanstephan Manuscripts (from Sir John Williams' former residence). The other manuscripts in Sir John's collection have been catalogued, and a volume of over 500 pages is in type and will be published when the conditions with regard to printing are easier.

Other collections of manuscripts have been added since the foundation of the library, namely :—

The Kinmel Park MSS., 131 volumes, collected by the late Mr. H. R. Hughes, include genealogy and many deeds.

The Henry Taylor Flintshire historical collection, printed and MS. brought together by Mr. Henry Taylor, F.S.A., the historian of Flint, happily still living, and able to add other items from time to time.

The Pennant collection consisting of documents brought together by Thomas Pennant, the topographer, and his son.

The Panton MSS., seventy-five volumes, being the transcripts from Welsh MSS. made during a busy life by the Rev. Evan Evans (1730-89), described in the Historical MSS. Commission Report on Welsh MSS.[1]

The Welsh portion of the MSS. at Mostyn Hall, Flintshire, fifty-four volumes, recently acquired, includes two folio volumes of documents (mainly of the seventeenth century) relating to North Wales; see Royal Commission Report on Welsh MSS., Part I.

The library has already a fairly large number of deeds, and other documents, some comparatively early. The first volume of a Calendar of Deeds is in type waiting to be printed. The names of all the parties to the several documents are given in the Calendar, together with all place names, field names, and notes with regard to customary rents and services, and other points of peculiar interest.

In the year 1910 the Public Record Office, with the sanction of Parliament, transferred to the National Library a considerable quantity (over six tons) of records relating to the Courts of Great Sessions in Wales. These formed part of the records removed from Wales between 1840 and 1860 by the officers of the Public Record Office. They were returned as being of local rather than national importance. A beginning has been made towards the arrangement of them, but the war has made it impossible to proceed far. Enough has been done, however, to satisfy those who are in charge that they will yield valuable materials for history.

This brief sketch will at least serve to indicate that within the special sphere of its operations the youngest

[1] Since these notes were written, a further portion of the Panton Collection has been acquired and presented to the Library by the Rt. Hon. J. Herbert Lewis, M.P. It consists mainly of letters and other documents dealing with Welsh affairs between the years 1580 and 1660 (from the Gwydir papers), and some documents of the eighteenth century which formerly belonged to John Williams of Beaumaris, a diligent antiquary well known in his day. The collection comprises over 3000 documents.

of our National Libraries will in time become an important centre for historical work.

THE UNITED STATES OF AMERICA

(Communicated by J. Franklin Jameson, Ph.D., Corresponding Fellow of the Royal Historical Society, Director of the Department of History in the Carnegie Institution, Washington)

The present condition of the Archives of the Federal Government at Washington is worse than it ever was before, yet, on the other hand, the prospect of an excellent solution is brighter and more hopeful than it has been at any previous time. The records of the various departments and of the older bureaux embraced in them are still housed in a wide variety of unsuitable places—attics and basements, commercial warehouses and garages, abandoned buildings, and buildings that deserve to be abandoned—and there is the same amount of exposure to fire and damp and dust and summer heat. Moreover, access to these papers for historical purposes, never easy, in spite of the obliging spirit of nearly all officials, has been made more difficult by the increased pressure of business, encroaching on both time and space in all these older bureaux. Naturally, too, the personnel has had no time to spare for the improvement of arrangement and classification, in which each bureau has taken its own course without attempt at general uniformity. When the pressure of new business and of increasing personnel has crowded these bureaux beyond endurance, and masses of records have been sent out in order to make room, they have often been packed up and stored in some outlying building newly hired, without any provision for ready access. One of the older departments, the Department of the Interior, has been furnished with a new and very large building, and in that building the records of the

General Land Office and of the Indian Office, subdivisions of the Department of the Interior, have found reasonably good quarters for their enormous stores of documents, which hitherto had been in quarters most undesirable. But this department is the only one which has shown such signs of improvement.

Meanwhile a multitude of new boards and offices have been created for purposes connected with the war, and have been supplied with thousands of additional clerks who have been making papers at a prodigious rate. The War Risk Insurance Board, for example, alone has several thousand employees, and has under-written insurance involving more then 4,000,000 cases, so that its papers represent possible claims to the amount of perhaps $20,000,000,000, and must be kept in safety. Yet the temporary concrete buildings which have been spread over so many of our parks are already crowded and afford no fit places, nor have these recent organisations any satisfactory system for the preservation, care, and use of Archives.

But out of this very pressure and these intolerable conditions has come a stronger impulse to betterment than has been afforded in many years of peace. The conviction that something must be done in the interest of government business (for the historians are a feeble folk, relatively) has stirred in many minds, and decisive forward steps are apparently about to be taken.

The agitation for a National Archive Building began as far back as 1879. Presidents, heads of departments, and bureau chiefs have brought the matter again and again to the attention of Congress. In 1908 the American Historical Association began a more concerted and continuous agitation. The Public Buildings Act of 1913 authorised the Secretary of the Treasury to prepare designs and estimates for a suitable National Archive Building containing not less than 3,000,000 cubic feet of space, to be erected upon a lot of land large enough to

contain ultimately a building embracing 8,900,000 cubic feet. The lesser building to be first erected was to cost not more than $1,500,000. Whenever a commission, consisting of five government officials designated by the Act, should have approved the plans and the choice of site made by the Secretary of the Treasury, the latter official was authorised and directed to take such site, by condemnation or otherwise. In 1914 a small appropriation for the making of plans was granted. The plans elaborated by the Treasury provide for an excellent building. Its architectural features have been passed by the Fine Arts Commission. Its internal arrangements have received suggestions and approval from archivists, librarians, and historians.

The outbreak of the war seemed likely for a time to discourage all thought of appropriations for such a purpose, but the additional pressure alluded to above has finally had the effect of pushing the project forward more extensively. A site has been selected by the Treasury; or rather the Secretary of the Treasury, following the path of least resistance, has adopted the assignment made last winter in the grandiose plans prepared by the Public Buildings Commission for the new Washington of the future. The site is not as conspicuous as the friends of history might desire, or as the beauty of the building would justify, nor is it as near to the Library of Congress as historians might wish, but it is convenient to the government departments, and no wise unsuitable. It is expected that the commission provided by the Act of 1913 will soon give its approval, and options on such parts of the property as the government does not now own are being secured. In view of the present high cost of building and of a desire for a speedy provision of storage space, it is intended to confine the building at first to its essentials—a honeycomb of steel stacks in a reinforced concrete structure—leaving several desirable adjuncts and the stone facings to be supplied later.

Accordingly, dismal as the present showing would be if considered alone, there is every prospect that a few years will see the United States government provided with a really admirable National Archive Building, in the planning of which, naturally, advantage has been taken as largely as possible of European experience and example in the construction of such repositories.

FRANCE[1]

An adequate description of the condition of the French archives during the War could not be provided owing to the stress of the War itself. Thus the evacuation of Archives during the bombardment of Paris is mentioned as one of the chief distractions of French archivists in an interesting communication received from M. Chas. Bémont, one of the most learned of French historians and a generous contributor to mediæval historical study in this country. Monsieur Bémont is evidently proud that his archivist friends have kept their flag flying under much greater difficulties than our own. "Not once," he writes, "has the search room of the National Archives been closed." The archivists have even produced valuable inventories and other publications, and like M. Bémont himself, they have kept in touch with the work that has been accomplished elsewhere.

M. Bémont touches on some of the problems that will only be solved with time and infinite labour and expense: the restoration of the normal conditions of civilisation and culture in the ten occupied and wasted Departments of France; and he makes appreciative mention of the exertions of the English and American expeditionary forces in this direction. It is, however, too early yet to learn the true state of affairs with regard to the losses

[1] Communicated, in a letter to the Director, by Monsieur Charles Bémont, Hon. D.Litt. Oxford, Hon. LL.D. Camb., Member of the Institute, Director of the École des Chartes, Paris, Corresponding Fellow of the Royal Historical Society.

of historical manuscript suffered by the Departments in question; but it is hoped that further information can be laid before the Society at a future date.

ITALY

(Communicated by Dr. Emilio Re, of the State Archives, Rome; Corresponding Fellow of the Royal Historical Society)[1]

One of the many-sided results of this War has been that of drawing the attention of the general public to the existence of Archives—a thing which, in normal times, is usually far indeed from their consciousness. In the grave crises of man's history, when the scourge of war drives nations from their natural soil, subjecting them to every kind of convulsion, even their Museums and Archives, those generally undisturbed depositories of their memories, lose that character of permanence which seems so peculiarly their own, at the same time gaining an unexpected and unsort publicity.

In Italy the question of Archives has been brought to the front to-day, especially in connection with Venetia, the region which most of all was affected by this war. Everyone knows how, even before the outbreak of hostilities, the Italian Government had arranged that the more important part of its historical and artistic patrimony, especially that which was Government property, should be transported without delay from Venetia, so as to be put in greater security, beyond the risks of bombardment and invasion. In this way, all the masterpieces of the Venetian galleries were deposited in Florence, and a considerable part of the Venetian archives was placed in safety among the archives of Turin. Then came Caporetto: and in spite of the inevitable confusion of those terrible days, it was still possible to save some of the more important archives of the local bodies, in

[1] Read before the Society by Madame L. Re-Bartlett, December, 1918.

which the invaded provinces, especially Friuli, are exceedingly rich. Suffice it to mention the archives of the Chapter of Udine which included those of the Patriarchate of Aquileja, and the archives of Cividale, which contained rare and valuable codes, dating from the sixth century.

In the days following Caporetto, the fall of Venice was expected from hour to hour. The stand on the Piave seemed utterly hopeless; and it was thought inevitable that the line of resistance would be moved back as far as the Adige, or even the Mincio. The archives of Venice were therefore hastily removed to safety; the correspondence of Gonzaga in the archives of Mantua, was taken to Turin, and the minor archives of the Piave region were transported as far back as the river Po.

From what I have been able to gather, it would seem that the archives and works of art left behind in the invaded provinces have not suffered any irremediable damage. The Central Powers, with strange inconsistency, at a time when they were busy bombarding Padua and Venice, appointed a Commission to make an inventory of the treasures of art in Friuli and Venetia. The Commission sat at Udine, and was composed of five Germans and two Austrians; and it appears that it even took the trouble to collect into places of safety, the archives and art collections which were private property, and which, through the obstinacy of their owners, had not been moved into the interior of Italy.

But the question of most pressing importance with which the Italian Government is faced at the present moment—(and one, moreover, which will certainly have an echo at the Peace Conference) is that of the historical and artistic patrimony, not of the invaded regions, but of the newly redeemed provinces of Italy.

Not long ago, I had the privilege of reading an article by the Director of this Society on the "National Aspect of the Welsh Records," and I am sure that the Author

will have no objection to my bringing from a distant source some fresh evidence in support of his argument that "the idea of nationality is associated with national archives". Nowhere, perhaps, have his words been so clearly and conclusively proved as in the redeemed provinces of Italy.

For more than fifty years there has been a movement of historiography in these provinces directed mainly towards defending every inch of disputed ground concerning the Italianism of their past; and the historian in his search for authentic evidence, naturally, has had recourse to their archives. In these circumstances it is only natural that historical subjects should occasionally give rise to polemics, becoming fields of controversy for the two rival nationalities. The most famous of these controversies has been that concerning the statutes of Trent. The fact that these statutes had originally been compiled in Latin had never been questioned until a Viennese Professor, a certain Tomaschek, suddenly bethought himself of publishing a fourteenth century German redaction of it, formerly in the Archives of the Principality, but at that time in the Imperial Archives of Vienna, passing off this version as the original, and bringing it forward as a proof that the Trentino of the Middle Ages was German in its population, its language, and its statutes. This argument continued for some time to be the chief weapon of the Pan-Germanists in their attacks on the ancient Italianism of the Trentino. But more recent and more mature studies, not only of Italians such as B. Malfatti and D. Reich, but also of unbiassed Germans, including Voltelini, have condemned it as utterly worthless. It was proved that the statute referred to as being in the German language was nothing more nor less than an "inferior translation" of the more ancient documents in Latin.

As may be imagined, this sentiment of nationality, though it whetted the keeness for research, did not always

tend towards impartiality or moderation. A famous case in point is one related by an unbiassed witness (T. Monmsen), regarding a parish priest of Istria (Gollmeyer), hailing from the Carniola, who had thrown a very large quantity of Roman fragments into the foundations of his church, presumably in an attempt to obliterate the Latin character of his district!

However, judging from the reports which have reached me, it would seem that the Archives and Museums of the redeemed provinces have not of late years been tampered with or reduced. Nevertheless, in regard to Trent, there is one instance of a removal which must certainly be repaired: I refer to the Archives known as those of the *Principato.*

A century ago, when history had taken, in many respects, the same turn as it has to-day, and Napoleon, in his overbearing ambition, was pilfering the Museums and Archives of half Europe to add to the collections of Paris, Austria, following his example, sealed the fusion of the Trentino with the Tyrol, by removing the Archives of the *Principato* from Trento to Innsbruck. On June 5, 1805, it is recorded that Francesco Gassler, the Austrian Archivist, employed for the purpose, was seen despatching to beyond the Brenner "sixteen cases weighing over five tons, containing documents taken from the Castle, which arrived at Innsbruck on July 1"; from whence a portion of them was conveyed as far as Vienna. Patriots and scholars have never ceased to deplore an action which robbed the Trentino of the principal and natural source of its history; and certainly the end of a victorious war will not be allowed to pass without some attempt being made to secure the necessary reparation.

Italy, unfortunately, has had a very sad experience in the spoliation of her Archives. We have mentioned Napoleon, but also as regards Austria there is a precedent—that of 1866—which is worth recalling. On July 21 of that year—when Austria had already ceded Venetia to

France, as intermediary, and with it, of course, all her rights over the province—an Austrian Benedictine monk and historiographer, by name Dom Beda Düdik, arrived at the famous *Archivio dei Frari* with instructions from the Austrian Emperor to examine and export all documents referring to Istria, Dalmatia, and Albania, in addition to the despatches of the Venetian ambassadors from Germany, Switzerland, and Poland. The indignation of the city was very great, and protests were lodged by the Director of the Archives, the Municipality, and the *Instituto Veneto di Scienze e Lettere*, but without results; moreover, Bartolomeo Cecchetti, the well-known Venetian scholar, was accused of having divulged the news of the intended removals, thereby causing a disturbance of the public peace, and without more ado he was arrested and sent to Triest to be tried by a military court.

Meanwhile the spoliation continued for two days uninterruptedly, and the large scale on which it was conducted is proved by the list published that same year by Sagredo, in the *Archivio Storico Italiano*. Fortunately, before the end of the year it was decreed by Article XVIII of the Treaty of Peace which concluded the war of that year, that all historical and political documents belonging to the ancient Venetian Republic, which had been previously abstracted by Austria, should be restored to Venice. But the enforcing of the article proved to be extremely difficult. The Austrian delegates, in defiance of the Treaty, insisted on keeping the despatches of the Venetian ambassadors, and the affair was only finally settled by an arrangement made at the International Convention of July 14, 1867, by which Austria, in compensation for certain despatches she retained, agreed to return the art treasures and documents, not only of Venetia, but also all those which had been removed from Lombardy during the whole period of Austrian domination since the Treaty of Campoformio in 1797.

Italy, therefore, at the approaching Peace Conference

will fortunately be able to quote a precedent when she makes her demand for the restitution of the Archives and art treasures of the Trentino and the other redeemed provinces; she will only need to ask for the extension and the application in its integrity of the Convention of July, 1867—in other words, that Austria be required to give back all that she has removed since Campoformio. And it would be well if, in addition to recovering the Archives of the *Principato*, Italy could at the same time settle the many questions which have remained unsolved in spite of the Convention of '67, including that of the restitution of single documents, such as the *Registri Viscontei*, and of extensive archives which are still at Innsbruck, but whose real homes are Mantua and Venice. And this demand should be made not from any feeling of rancour resulting from the war, but from the scientific conviction that Archives should always remain in the countries which have produced[1] them. It is true that in any

[1] In the interests of historical justice, which we Italians claim to have in fact influenced all Italy's action in vindication of national rights, the reader is referred to the following official communication which appeared in all Italian newspapers under the date of June 20, 1919 :—

"The Special Mission charged by the Supreme Command with the task of regaining possession of all records and historical documents belonging to Italy and her redeemed provinces preserved in the Archives of the defunct Austro-Hungarian Empire, has obtained the restitution of a numerous series of important documents pertaining to the Senate of Lombardy-Venetia, containing the records of political trials from *1821* onwards, and also other political papers belonging to the Military Authorities of Udine and Verona. This has been the result of an agreement arrived at with the Directors of the Archives of Vienna, who have given official recognition to the generally admitted principle that Archives should be left in their entirety in the offices and institutes in which they have gradually accumulated in the course of the historic development of their function.

"The recognition of the above principle—the principle of the *territorial* character of all records—offers a new proof that Italy in her claims for those treasures, historic or artistic, which belong to her, is following standards based exclusively on scientific reasons and universal justice—standards which justify themselves."

One example of the importance, also political, of the restorations so far effected, has been already afforded by A. Louzio, the well-known historian of the "Risorgimento," who has published a volume on *I processi politici di Milano e Mantova* (1851-53) *restituiti dall' Anstria;* Milano, Cogliati, 1919.

circumstances they may retain much of their cultural interest, but once dislodged from their natural centres they lose their vital, their *national* importance.

ITALY [1]

(*The Vatican Archives*)

(*Communicated by His Eminence, Cardinal F. A. Gasquet, D.D., F.S.A., Honorary Vice-President of the Royal Historical Society*)

I have been asked, as an old member of the Royal Historical Society, to write a short account of the Archives of the Holy See, of which I have lately become the official guardian.

It is, of course, unnecessary for me to speak to members of this society of the historical importance of this vast collection to students of all countries. It will be sufficient to recall the fact that the foundation of these Archives are the Papal Registers and the diplomatic correspondence of the papal nuncios and agents at the various courts of Europe. Although, unfortunately, it is true that the oldest existing Register only dates from the time of Pope Innocent III, and that this series of Registers ends when, under Gregory XIII, the business of the Roman Curia was divided into different congregations, each of which possesses its own Archives, the number of volumes of *Regesta* of the Popes is at the present day over 2000. Each of these folio volumes contains the transcription of many hundreds of letters, etc., addressed by the Popes to peoples, potentates, and ecclesiastics of all kinds; so that were these documents

[1] In separate communications the Director has learnt that Cardinal Gasquet is now hard at work on the great mass of Vatican Archives carried off by Napoleon I, and restored in 1818 since which date they have remained wholly unarranged and even unpacked. In his present communication the Cardinal reports progress with this work and refers to the future value of this source of information.

alone printed to-day, they would form a library of many thousands of volumes. And, although the correspondence of the Nuncios only begins with the sixteenth century, it is bound into no fewer than 5575 volumes, and the whole collection is obviously of the highest importance.

The *Regesta* proper—that is the Registers of Papal Bulls, etc.—which are fairly continuous for three centuries, cover the most important period in which, under the guiding hand of the Popes, the civilisation of Europe was effected. And, whatever be our views about papal ecclesiastical policy, there can hardly be any difference of opinion as to the practical work for law and order, accomplished under the watchful care and influence of the Popes. The Popes were, during all this time, the acknowledged moral authority of Europe, and the papal letters and documents show that they used their power and influence for the general good. Their endeavour was not to oppress the rising nations, as some of their critics assert, but to assist the people to obtain justice and fair treatment, and to safeguard them from the tyranny of rulers, who desired to hold them in practical slavery. Taken as a whole, the testimony of this vast mass of acts and documents is that the Popes, as the great, and indeed only, moral force in the world, knew how to temper justice with clemency, and how to meet the cunning of the serpent with the mildness of the dove, in order to safeguard the best interest of the growing nations of the West, who looked to them for guidance and protection.

The vast collection of documents in the Vatican Archives is said, probably with truth, to be the largest, and for historical purposes, it is certainly the most important that exists in Europe. The numberless invaders that have in the course of the centuries ravaged Italy and pillaged Rome, explains easily the loss of nearly all the earlier documents, whilst the violent removal of the books and papers of the Vatican from Rome to Paris, by

Napoleon in 1810, naturally caused further losses, and brought about, for a time, the entire dislocation of the Papal Archives. For, although these documents, etc., were subsequently, in 1818, sent back to the Pope, their double journey not only entailed losses, but so disorganised the whole collection that many of the sections have remained more or less without order to the present time. It is only this summer, for example, whilst the Archives were closed to the public, that it has been possible to sort and arrange the papers of the Napoleonic period, which were returned to the Vatican as a vast mass of unsorted documents. It is not uncommon at the present day, when using one of the great folio registers, to find relics of their journey to Paris and back in corn seeds, which fell from the straw in which they were packed and which drop out as the pages are turned.

The early history of the Archives is full of interest; but to enter upon this would be undesirable in the brief paper, which as I understand, is all that our Director, my very good friend Mr. Hubert Hall, asks of me. For the general history of the later Roman Archives, there exists no better account, so far as I know, than the brief history written by the learned Archivist, Mgr. Gaetano Marini, which was first printed in 1825, by Cardinal Mai,[1] when he took charge of the Archives. Sixty years later, Cardinal Pitra, when he occupied the same position as Archivist of the Holy See, also considered that Marini's general account was still the best, and he gave a résumé of the paper in his volume, *De Epistolis et Registris Romanorum Pontificum.* I feel that for the present purpose I cannot do better than follow the example of the learned Cardinal Pitra.

After some brief notes on the origin and primitive history of the Papal Archives, Marini commences his account at the date of the arrival of Pope Clement V at

[1] *Memorie istoriche degli Archivi della S. Sede*, Roma, 1825.

Avignon about 1309. One of the first thoughts of the Pontiff on taking possession of his new abode in France, was to arrange for the transport thither of at least a portion of the Papal Archives, which were necessary for the government of the churches, such as the Registers of the letters of his immediate predecessors. A MS., still in the Vatican Archives, leads us to think that in the last years of Clement V the place of deposit of these precious volumes was at Carpentras. After this Pope's death, an order was given by the Cardinals assembled in conclave that all these treasures, old and new, comprising diplomas, privileges, and Bulls, etc., "with nine volumes of the Register of Boniface VIII, one of Benedict XI, and ten of Clement V," should be placed in the custody of Arnaud d'Auch, the Cardinal Camerlengo.

With regard to the other existing Registers, the disturbed condition of Rome caused them to be taken to Assisi for safety's sake. Here part were placed in the treasury, part in the upper sacristy of the great Franciscan Convent. The transport, however, from Rome was not accomplished without loss, for one box at least went astray and remained at the Dominican Convent of Treviso, certainly till 1342. Unfortunately the depot at Assisi was plundered in 1320 by the people, for the sake of the papal treasure, and many precious books, especially liturgical books, were destroyed, and naturally many documents, etc., were lost at this time.

It would, however, appear that luckily the Registers did not suffer much in the pillage of the treasury, as they were lodged in the upper sacristy, where they remained till in 1336 Benedict XII directed that the precious volumes should all be sent quietly to him at Avignon—*sine tumultu, scandolo et scientia multorum.* It apparently took three years to accomplish this transport; but on June 10, 1339, all the Papal Registers had been received at Avignon, and, according to the account still existing in the Archives, the cost of the carriage included such

items as the hire of boats, mules, and carts, and the provision of cases and cording, etc.

It would, however, seem that even after this transport of the Registers and certain other documents to France, there still remained at Assisi most of the original documents of the Papal Archives, since, on September 3, 1339, two ecclesiastics were charged to make a new and complete inventory of all the papers in the Assisi sacristy. This inventory was compiled and is still existing. From a letter, written by the Pope in 1342, it seems probable that most of these muniments were shortly afterwards transported to France, and in 1369 a catalogue of them was made, from which it appears that they were then in safe custody in the papal palace at Avignon. This inventory is most valuable and interesting, and shows that the collection was truly vast in its proportions; although it did not include the *Regesta*, which were deposited elsewhere. The catalogue, still among the treasures of the Vatican, however, shows alas! that not all these important documents subsequently found their way back to Rome; for many are not now forthcoming.

A few years later again—that is in 1380—the papal treasurer was given the charge of all the numberless MSS. which existed in various places of the palace at Avignon. Amongst these there is mention of 116 Hebrew MSS., and of five Greek ones, together with the Registers of all Popes since Innocent III. These last are said to be separate from the rest, and kept in a room immediately below the private study of the Pope. From the document giving this charge to the treasurer, which still exists, it seems likely that the step was taken in view of the approaching return of the Popes to Rome. In the same year, Urban VIII did in fact return to the Eternal City, but only to remain for a short time.

There was, however, no question of transporting the Archives from Avignon before the time of Pope Eugenius IV. On June 20, 1441, that pontiff ordered his

legate at Avignon, Cardinal Peter de Fusco, to hand over all the documents of the Lateran, the Vatican, and elsewhere, belonging to the Holy See, and to see them sent back to Rome. Even when this was accomplished, however, there still remained many important documents in the papal palace at Avignon.

Since the first return of the Popes from France to Rome their papers, etc., were preserved in the Convent of the Dominicans, at the Minerva. In 1428, by direction of the Pope, these were all carried "to the Apostolic palace," which was doubtless the Colonna palace, where Pope Martin V had lived since 1420. The Registers spoken of in this order, according to Marini, were not those which were still at Avignon.

Pope Nicholas V is always regarded as the real founder of the Vatican Library, which he designed to open for the use of the Roman court; but he was prevented by death from carrying out his intention. Sixtus IV, in the period from 1471 to 1475, having built new rooms at the Vatican for the library and the secret Archives with the rooms for the librarian and custodians, appointed Platina in 1477 to govern the new joint establishment. The distinction between the Vatican Library and the Vatican Archives was accentuated by Leo X and Gregory XIV, and retained by Sixtus V, when he built the magnificent hall of the library and at the extreme right reserved two halls, ornamented upon the same scale of magnificence, for the Archivium. These were almost completely occupied by the series of registers from Innocent III to Sixtus V. It is not known where these muniments were kept before they were placed by the Pope in the new Archives; but this is what the Pope says, in his Bull of July 15, 1477, as to the need of establishing some order among the papal documents and in the library. "We have found," he says, "of late in our apostolic palace a great number of volumes belonging to the Roman pontiffs, which are spread about in confusion,

and not having been locked up in any definite and safe place (are perishing), partly by want of care, partly by age; we have (therefore) taken care that these should be put in proper order in a specially prepared place, which has been properly arranged for the purpose and ornamented."

In the time of Sixtus V, for greater safety, the originals of the more important documents in the Archives were transported to the castle of S. Angelo, most of them having been previously transcribed, in three great volumes. Other originals, not less important, however, still remained at Avignon; whilst others again were then to be found in various tribunals and palaces of Rome. Pius IV, in a consistory of 1564, proposed to the assembled cardinals to concentrate the various Archives in the Vatican, and further to endeavour to fill up the gaps which existed in the Papal Registers by searching for originals of the Papal Letters and Bulls, not only in Rome, but at Rimini, Bologna, Assisi, Perugia, Anagni, Viterbo, Ravenna, and elsewhere; and, in case the originals could not be obtained, the Pope directed that copies should be taken and brought to the Archives at the Vatican to complete the papal records. Several subsequent briefs demonstrate the anxiety of this Pope to effect his laudable design of completing the existing Archives as far as possible. Unfortunately the pontiff's death put an end to this work, which was perhaps too vast an undertaking to be easily realised; but which, had it even been begun properly, would have deserved the gratitude of all future historical workers on the Papal Registers, and we should not now have to lament many of the gaps which exist in the present Archives.

The project, however, was not altogether laid aside, and the successor of Pius IV, the saintly Pius V, took some steps to carry it out, at least in part. He limited his design in the first place to securing the return of that portion of the Papal Archives which still remained at

Avignon. On May 10, 1566, consequently, he charged Mario Lazzarini di Amelia to bring to Rome all the Registers and other books to be found in the great papal palace there, and an inscription, under one of the paintings in the present Vatican Library, records that on this occasion "158 volumes of the letters of various Popes were brought back from Avignon to the Vatican". Pius V was also desirous of having careful inventories made of the documents preserved in the Vatican Archives, in the castle of S. Angelo, at Avignon and elsewhere, and he further proposed to have indexes made of all the papal documents known to exist, even in private and public libraries.

In 1575, Gregory XIII asked the Bishop of Liège to institute a search in that city for the papers of Pope Adrian VI, which had been carried off by his Secretary, Théodoric Ezius, a native of Liège. In 1583 also he received from Avignon two volumes of the Register of Gregory XI, and many others in the Pontificate of Urban VIII. In the reign of Pius VI, shortly before Avignon was taken from him, some 500 big volumes of the minutes of all the Registers, Petitions and other Papal business transacted whilst the Popes were in residence at Avignon, reached the Eternal City. In the time of Clement XI these volumes had been brought from the basement of a tower of the Avignon palace, placed in order in a proper room, and indexed in the fullest manner. It is because of this most praiseworthy care of these last-named Popes, that the Vatican Archives to-day possess more Registers, books of every kind, and writings for the period of the papal residence at Avignon than for the pontificates of the Popes in Rome and Italy. The care taken to secure them may be illustrated in the case of Benedict XIII, the anti-Pope. The last years of his life were passed in the kingdom of Aragon and, when he died in Peniscola, Cardinal de Fusco, the legate, at once proceeded thither and took possession of all documents he could find, so

that the papers exist at present, even for the last years of this anti-Pope.

In 1611 and 1613, Paul V caused all the Papal Registers existing in the Vatican Library and the Castle of S. Angelo to be gathered together into the Archives, and these form the present magnificent series of *Regesta* from Innocent III to Sixtus V. Urban VIII added to the Archives of the Popes the collection of Bulls, registered *per viam secretam*, from Sixtus IV to Pius V, as well as all the books, registers, and minutes of Briefs, from the time of Alexander VI to the year 1567. Together with these were many volumes which had come from the Archives at Avignon. In 1635, one of the most important additions was made to the Vatican Archives by the inclusion of all letters of the papal nuncios from the sixteenth century and the documents regarding the Council of Trent, the originals of which were preserved in the Castle of S. Angelo.

It would not be right to omit speaking of the S. Angelo Archives, which in their present home in the Vatican are still known under their old designation. The choice of the castle was not altogether a happy one, since, though these precious documents were safe enough, in the event of outside troubles, the walls of the Mausoleum of Hadrian, penetrated as they were with centuries of damp and the roofs of which were not very weatherproof, were obviously the worst possible place for the preservation of old parchments and papers, and in fact many precious documents perished by this means.

These Archives were established in the fifteenth century. About 1413 there was a difficulty in copying books and registers in the *Camera Apostolica*, and the true originator of the plan for safeguarding the original diplomas and documents belonging to the Holy See in the Castle of S. Angelo, was Sixtus IV, who began by directing that large and well written copies should be made of these parchments, etc. In this way three enormous volumes

were completed, the last of which closes by a list of all the Bulls, etc., up to the time of Eugenius IV, which inventory was made by order of Innocent VIII. Subsequently other indexes were completed, and one of these, having come into the hands of Mont Faucon, was printed by him. Unfortunately some, at least, of the documents noted as existing in 1519 are no longer forthcoming. As an example of this, Cardinal Pitra mentions an important series of Greek diplomas of the Emperors of Byzantium. That these really existed cannot be doubted, as in the Register of Nicholas III (t. I. Ep. 224), speaking of the Latin text of a letter of Michael Paleologus, it is said the "same letter in Greek is *in thesauro*".

From the time the Archives of the S. Angelo were constituted, and even more so in process of time, this castle became the deposit of the title deeds, so to speak, of the patrimony of St. Peter, as well as those relating to the territorial and feudal possessions of the Holy See. Under the care of Marino Zampini and Gaetano Marini all these documents were transported to the Vatican Archives in 1799.

Barthéemi Cesi, afterwards Cardinal, was the first Prefect of the two Archives. At the castle he found terrible disorder; the roofs were unsound, and the sacks into which the parchments had been put in 1519 were rotten. Cesi being at the same time the treasurer of Clement VIII, profited by his credit in this latter office, to build on the summit of the rotunda a vast airy hall, the walls of which were lined by solid cupboards, embellished by carvings of the pontifical arms. When this great work was completed, Clement VIII, in a consistory of January 29, 1593, communicated to the cardinals the form of a proposed Bull dealing with the question of the Archives. He deplored past negligences in properly safeguarding the original titles to support the authority and dignity of the Holy See, and recalled the attempts made by Benedict XII, Sixtus IV, Innocent VIII, Pius V,

Gregory XIII, and Sixtus V to put the Papal Archives into proper order. He notes that the papers of the past Secretaries of State, instead of remaining in the possession of the Pope, as undoubtedly belonging to the Church, had frequently remained in the hands of the ministers, and had passed, on their death, to their heirs. He therefore ordained that within fifteen days all papers of this kind should be lodged in the Castle of S. Angelo. This Bull, however, was not published, and it was also in vain that Paul V promulgated a like order in a Brief dated January 25, 1616.

Under Pope Benedict XIV it was again found that damp had been making fresh inroads into the Archives of the castle. The destruction had been very considerable and something had to be done immediately. Two new rooms were consequently built by the side of the old repository, and a new classification was begun. For this work no better choice could have been made than the man into whose hands it was placed—namely, the well-known Garampi. Marini, to whom and to Cardinal Pitra, I owe my knowledge of the history of the Archives, writes of this ideal Archivist as follows: "The numberless works, well-placed and very useful, executed in the two Archives by this most celebrated savant, are beyond praise. . . . As for me, during the thirty-nine years I have been at this work, I have followed the same method (taught by Garampi), and continuing diligently to follow his excellent methods."

Gaetano Marini in his day had a recognised position, which on one critical occasion enabled him to render a great service to the Archives, to which he had devoted his life. At the time of the invasion of Rome by the French republicans, the commissary of the city, Monge, knew how to appreciate Marini's high qualities, and not only confirmed him in his position as Archivist but appointed him to the charge of the Museums and of the Vatican Library. On the day in which he took possession of this office, the Commandant of the Castle of

S. Angelo demanded the key of the Archives. Thanks to Monge, however, Marini was able to refuse; and this friend also obtained from General Saint-Cyr the important permission to transport all the Archives of the castle to the Vatican. This, with the aid of a body of soldiers, was done in a single day. "It was a miracle," says Marini, "that these Archives, after having remained three months in the power of the French troops, remain intact." It was not the same in the case of the invasion of the Neapolitan soldiers, who destroyed much in the Archives, the library, and the museums. Even the President of the Roman Republic, on the very eve of his fall, sent an urgent demand to the Archivist to hand over to him immediately all the seals of gold and silver he had in his keeping. Marini made him wait for a day, however, and by that time the Roman Republic had ceased to exist.

Besides the collections already mentioned as being at present in the Archives, a vast number of other volumes of letters and documents are housed therein. The series of letters, for instance, from Cardinals (109 volumes); letters from Princes, legates, bishops, etc. (277 volumes); letters from bishops and prelates (380 volumes), etc., are among them. In all probability more than 60,000 volumes, besides innumerable single documents are under my charge at the present moment. Unfortunately much has to be done in arranging, stamping, binding and indexing, before all these can be made accessible to the public. This must necessarily be a process of time, and needs the expenditure of much money. Already I have experienced the great interest of the present Pope, and his generous assistance, in obtaining additional labourers. These, however, it is not very easy to find, for the work not only requires technical knowledge, but devotion and even enthusiasm. Had I nothing else to do, I should be delighted to give the rest of my days to this special purpose, and as an old member of the Historical Society to do something of value for all historical students.

THE METROPOLITICAL VISITATION OF THE DIOCESE OF WORCESTER BY ARCHBISHOP WINCHELSEY IN 1301

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The exercise of metropolitical jurisdiction by the Archbishops of Canterbury is of great interest. Sometimes in the course of their visitations, they came into conflict with the Bishops, sometimes with the King, and these proceedings throw a flood of light on the history of the medieval Church.

The right of the Archbishop to visit his province and to take procurations was clearly defined in the middle of the thirteenth century. The occasion was the quarrel between Archbishop Boniface of Savoy, (1245-70) and the Bishops.[1] At the Council of Lyons in 1245, Innocent IV issued a decretal in which it was ordained that an Archbishop, who wished to visit his province, must first visit his own diocese, beginning with the chapter of his cathedral church and proceeding to the visitation of greater and lesser churches and of the people as well as the clergy.[2] Then the Archbishop might go to any diocese in his province and visit the Bishop, the chapter, monasteries and churches, clergy and people, and take procurations in those places which he visited.

In virtue of this decretal, Archbishop Boniface attempted to visit his province in 1250. On his way to

[1] *Annales Monastici* (Annales de Burton), ed. Luard, i. 300.

[2] *Corpus juris canonici*, ed. Friedberg, ii. p. 1056; *Sexti Decretal.* lib. iii. tit xx. cap. i. *cf.* Mansi, *Concilia*, xxiii. 669.

London, he extorted a procuration of thirty marks from the cathedral monastery of Rochester; in the judgment of Matthew Paris, the motive of the Archbishop's visitation was greed for money, for he was as ignorant of monastic life as he was of letters.[1] The Augustinian canons of St. Bartholomew's, Smithfield, pleaded that they had an experienced and careful Bishop, and they would be guilty of contempt for him, if they were visited by the Archbishop.[2] Boniface excommunicated the Bishop of London, the dean and chapter of St. Paul's, the prior and canons of St. Bartholomew's, Smithfield, and of Holy Trinity, and in 1251 he went to Innocent IV at Lyons to ask for that full exercise of power over his province to which he was entitled,[3] and two years later he visited the dioceses of Rochester and London, though under certain limitations.[4] The Bishops had sent proctors to plead their cause with the Pope, and as, in the words of Matthew Paris, "the Roman Curia is always ready to hear those who give," they were provided with four thousand marks besides two thousand for their expenses.[5] They had a small measure of success, for Innocent IV sent a letter to the Bishops of the province in which he set bounds to the Archbishop's powers; he might visit the Bishop, the chapter, the monasteries and collegiate churches of a diocese, but the parish churches were exempt, and no procuration was owed to the Archbishop by their rectors and vicars.[6] The Pope gave as a reason for this favour that in the province of Canterbury there had always been Bishops who fulfilled their duties and visited their flocks, and therefore the parish churches hardly ever stood in need of visitation by the metropolitan. However, after the Council of Lyons in 1274, some of the parish churches came under his jurisdiction, be-

[1] Matthew Paris, *Chronica Majora*, ed. Luard, v. 119, 120.
[2] *Ibid.*, 121, 122. [3] *Ibid.*, 138, 225, 302. [4] *Ibid.*, 366, 382.
[5] *Ibid.*, 225; *Annales Monastici*, i. 300.
[6] *Annales Monastici*, i. 302, 303.

cause the duty of enforcing the decrees of the Council concerning pluralism and non-residence devolved upon him. When Archbishop Peckham visited the Diocese of Worcester in 1283, pluralists and non-resident clergy were cited to appear before him with three, four, or more, of their parishioners.[1]

In another decretal, dated July 12, 1252, the Pope limited the procuration to the value of four marks for food and other necessaries,[2] and in a Bull which appears with the title "Qualiter metropolitanus teneatur facer visitationem suam," he laid down rules of procedure for a metropolitical visitation with the object of limiting the number of procurations as well as their value.[3]

At the Council of Lyons in 1274, Gregory X declaimed against the payment of procurations in money, and forbade that any procurations should be paid if churches were not visited; he hoped to make this provision effective by ruling that double the procuration in money should be returned to any church from which it was wrongfully exacted.[4] Boniface VIII modified this decree and sanctioned the payment of procurations in money, if it should be more convenient than to provide the food, but to avoid abuse no Archbishop or Bishop might receive more than one procuration a day, whether he visited one place or several.[5] It is clear that the objection to metropolitical visitation had its origin in the burden of procuration.

Archbishop Robert Winchelsey was a scholar and theologian of distinction. He had been Rector of the University of Paris and Chancellor of the University of Oxford. For ten years before his election to the See of Canterbury in 1293, he was Archdeacon of Essex and

[1] *Registrum epistolarum J. Peckham, archiepiscopi Cantuariensis*, ed. C. Trice Martin, ii. 512-4.

[2] *Annales Monastici*, i. 300.

[3] *Ibid.*, i. 303.

[4] *Corpus juris Canonici*, ed. Friedberg, ii. p. 1057; *Sexti Decretal.* lib. iii. tit. xx. cap. ii.

[5] *Ibid.*, cap. iii.

Canon of St. Paul's; he was constantly in residence and he visited his Archdeaconry with zealous care. In his biography, written by a later monk of Canterbury, he is avery attractive character, kind, genial and generous, pure and ascetic in his own life, a patron of scholars and a benefactor of the poor.[1]

In 1301 the Archbishop spent four months of the spring and summer travelling through the counties of Worcestershire, Gloucestershire, and south-west Warwickshire which constituted the medieval diocese of Worcester.

It is possible to write the history of this visitation in some detail, and it shows another side of the life of the Archbishop who is generally remembered for his support of the papal claims, and his action in the constitutional struggle with Edward I.

The visitation illustrates many of the problems with which the Church was confronted at the end of the thirteenth century. Owing to wars in Wales, Scotland, and France, taxation was heavy and most unpopular. In spite of apparent wealth, the Church was often hampered by lack of means; there was no proper provision for the cost of administration in the diocese, the Bishop found his revenues insufficient for the charges upon them, and he had to find benefices for his official and staff of clerks to enable them to discharge their duties. Sometimes his administration was weak because it was so difficult to enforce the provisions of the Canon Law, appeals to the Court of Arches and the Papal Curia resulted in frequent and costly litigation. The monasteries were often in difficulties, and they had to meet the demand of the laity for unlimited hospitality, but they resented the Bishop's attempts to exercise any control over their finances as undue interference with their

[1] *Anglia Sacra*, ed. Wharton, i. 11-17; *cf. Chronica Johannis de Reading et Anonymi Cantuariensis*, ed. James Tait, 63-8; *cf. Dictionary of National Biography*, Robert de Winchelsey.

liberties. Non-residence and pluralism were dangerous abuses, but when the Bishop attempted to uproot them he had to face the opposition of the King and the Pope, for neither had the means to reward their officials without giving them benefices and prebends.

The articles of inquiry which were used by the Archbishop at his visitation are entered in MS. Cotton Galba, E. iv.,[1] a manuscript which was written in the cathedral monastery of Canterbury. Hitherto these articles have escaped notice. They are divided into several sections, articles to be put to the Bishop and to other persons concerning every phase of his administration, articles to be put to the Dean and Chapter, to the abbot and regular canons of an Augustinian monastery, to the abbot and monks of a Benedictine house, to an abbess and her nuns. They were based mainly on the constitutions of the papal legates, Otho and Ottoboni, dated 1237 and 1268 respectively,[2] and they refer also to some of the provincial constitutions of the Archbishops,[3] notably those of Peckham, as well as to the recent Constitutions of Boniface VIII, *i.e.*, to the Sext, the last papal law-book which was only issued on March 3, 1298.[4]

Some of the Archbishop's proceedings in the Diocese of Worcester are recorded in his own Register—now in the library at Lambeth Palace—which I have the privilege of editing for the Canterbury and York Society. This source is supplemented by the Registers of the Bishops of Worcester, Godfrey Giffard (1268-1302)[5] and William Gainsborough (1303-7),[6] by the letter-book of the Prior

[1] Cotton Galba, E. iv. ff. 61-5.

[2] Lyndwood, *Provinciale, Constitutiones Legatinæ*, pp. 3-155.

[3] *Ibid., Constitutiones Provinciales*, pp. 1-33.

[4] F. W. Maitland, *Canon Law in the Church of England*, 131, note 1.

[5] *Worc. Epis. Reg. Giffard*, ed. J. Willis Bund (Worcestershire Historical Society). All the entries are calendared, but where necessary I have verified the documents. I wish to thank the Diocesan Registrar, C. Erle Clarke, Esq., for his courtesy in giving me access to the Register.

[6] *Worc. Epis. Reg. Gainsborough*, ed. J. Willis Bund (Worcestershire Historical Society).

and convent of Worcester, known as the Liber Albus,[1] and by the Sede Vacante Register of the Prior who was administrator of spiritualities for nine months between the death of Giffard and the consecration of his successor.[2] The Annals of Worcester Priory,[3] the records of other monasteries, and entries on the Patent and Close Rolls yield further details.

Bishop Godfrey Giffard had ruled the Diocese of Worcester for over thirty-three years, and his Register bears witness to manifold activity. When he presided over the diocesan council which met at Hartlebury, on December 26, 1299, one article on the long agenda was "De visitacione archiepiscopi".[4] It was uncertain which diocese the Archbishop would visit next after Chichester, and there is a memorandum to inquire of the Bishop's official, Master Robert of Gloucester, Doctor of Canon Law, whether it was expedient to hold a visitation before the visitation threatened by the Archbishop.[5] The outcome was that Giffard made arrangements for a thorough visitation in 1300, some of the work he undertook himself, but as he was an infirm old man and suffered much from gout in his feet, he appointed commissioners to visit the rest of the diocese, the monasteries, clergy, and people in their rural deaneries.[6]

In a letter to his official, probably written in June, 1300, the Bishop told him that some of his friends advised him to write to the Archbishop, urging him to put off his visitation, and also to the Dean of Arches to further the request. He enclosed a draft and asked Master

[1] Dean and Chapter Library, Worcester Cathedral. I wish to thank Canon J. M. Wilson, D.D., for calling my attention to the Liber Albus and for his kindness in giving me access to this MS. and to the Sede Vacante Register. A calendar of documents in the *Liber Albus*, ed. J. M. Wilson (Worcester Historical Society) is in the press.

[2] *Reg. Sede Vacante*, ed. J. Willis Bund (Worcestershire Historical Society).

[3] *Annales Monastici*, ed. Luard, iv. 458-555.

[4] *Reg. Giffard*, f. 442 and slip sewn to it.

[5] *Ibid.*, f. 447v.

[6] *Ibid.*, ed. J. W. Bund, 528-31.

Robert whether, in his judgment, it would be better to send the letter or to be silent for a time.[1]

The Archbishop believed that the cathedral monastery and the whole diocese of Worcester were in urgent need of reform, because the Bishop was so infirm.[2] On February 10, 1301, he wrote to Giffard to inform him of his intention to visit him and his chapter, *i.e.*, the Prior and convent of Worcester, and the clergy and people of the city and diocese, and he bade him notify them that they should be ready to receive him.[3] It was a formal document based on similar intimations in the register of his predecessor, Archbishop Peckham,[4] but it was more explicit on the question of pluralism and those decrees of the Council of Lyons (1274) which were included in the Sext. Bishop Giffard sent a solemn protest to the Archbishop dated "in the month of March".[5] He stated that the diocese had "very recently" been visited by Winchelsey's predecessor, Peckham, although it was in fact eighteen years since that occasion, when it was noted in Giffard's register "that the clergy and the people laudably commended the Archbishop concerning it".[6] However Giffard maintained that it was against the law for Winchelsey to come at a jump, "per saltum," to Worcester before he had completed the visitation of the province of Canterbury, which had been left unfinished by his predecessor. This was an entirely new gloss put by the Bishop and his advisers on the decretal in the Canon Law, which forbade an Archbishop to visit one diocese for a second time before he had visited the rest of his province,[7] but which did not in any way bind his successor. Giffard continued that he was anxious to

[1] *Reg. Giffard*, f. 447v.
[2] *Liber Albus*, Letter to the Prior and convent inserted between ff. 82 and 83.
[3] *Reg. Winchelsey*, f. 140v; *Giffard*, f. 460.
[4] *E.g.*, *Reg. epistolarum J. Peckham*, ii. 496, 497.
[5] *Reg. Giffard*, f. 460v. [6] *Reg. epistolarum J. Peckham*, ii. 748, 749.
[7] *Corpus juris canonici*, ed. Friedberg, ii. p. 1056; *Sexti Decretal.* lib. iii. tit. xx. cap. i.

avoid the dangers of strife, especially as he was an old man, and so without prejudice to the rights of his cathedral church, he was prepared to admit the Archbishop to visit the diocese, although he was in no way bound to do so. At this point he dropped his conciliatory tone, and warned Winchelsey that if he or his commissaries took any proceedings against the law, he should appeal to the Papal See and ask for the protection of the Court of Arches. He was stirred to resentment by the general rumour that the Archbishop intended to act with severity against him and his flock, to punish them, to make statutes, and to deprive the clergy.

Giffard issued the summons to the clergy and people of the diocese to meet the Archbishop at his visitation; March 16 was the day appointed for the deanery of Worcester, and the place was the cathedral church. The prioress of the Cistercian nunnery of Whiston notified the Archbishop that their chaplain Hugh would act as their proctor at the visitation, "quia non convenit mulieres cetibus virorum se immiscere".[1]

Winchelsey arrived at Worcester on March 14, and preached a sermon in the chapter house of the cathedral monastery. He rode on two or three miles to Wick where the Bishop lay ill; he visited him in his chamber at midday,[2] and asked him many questions about his administration of his diocese, on what festivals and how often had he celebrated mass or preached in his cathedral church, had the profession which he made at his consecration been read to him twice a year, had he kept the Bishop's houses in repair, had he instituted pluralists or minors to benefices. The Archbishop asked the same questions about the Bishop as he went through the diocese, and the answers which he received will be discussed at a later stage.

He spent the night at Wick, and on the morrow he

[1] *Liber Albus*, f. 9v, where the entry is wrongly dated 1302.
[2] *Annales Monastici*, iv. 548, 549; *Reg. Giffard*, f. 461.

returned to Worcester with his household and stayed in the Prior's lodging. He himself examined the Prior, but his clerks put the articles of inquiry to the monks.[1] In 1290 Pope Nicholas IV had inhibited any Archbishop of Canterbury from bringing secular persons into the chapter of the Prior and monks of Worcester,[2] when he came on a visitation he might only be accompanied by monks of their own or some other monastery. However on this occasion the papal privilege was of no avail.

The first article of inquiry concerning the temporal affairs of a monastery was "What is the annual income and what is the debt". It was followed by others concerning the administration of the property and financial expedients, "how many corrodies or pensions were sold, for what reason and by whose authority and to what use had the money been put". Debt might prove a lack of financial knowledge and of practical capacity, but it might be due to wholly undeserved misfortunes; it was impossible to get a loan from a banker at a moderate rate of interest, or to take out an insurance policy against damage by fire or flood, or other mischances.

There is no record of the answers of the Prior and monks of Worcester, but much can be gleaned from scattered sources. In a letter to the Archbishop, dated March 24, 1303, the Prior wrote, "when you visited us, you found us heavily in debt through no fault or fraud on our part, and in fact, in spite of all our care, we could scarcely find enough to eat and drink in the refectory, and you promised to help us".[3] The monk who compiled the annals of the priory, told how in the previous twelve years, the monks continued to borrow money, and as the payment of a loan fell due another was contracted.[4] In 1289 an angry creditor, Richard de la Linde, who sold

[1] *Annales Monastici*, iv. 548, 549.
[2] *Cal. of Papal Registers*, ed. Bliss, i. 514
[3] *Reg. Sede Vacante*, f. 17.
[4] *Annales Monastici*, iv. 499-544.

large quantities of corn to the monastery[1] was placated with a monk's corrody for his son Richard; in 1290 he got a bond for the payment of 100 marks within the next two years. Sixteen years later the debt owing to Richard de la Linde alone amounted to £304 6s. 8d.[2] On April 1, 1293, "for many things improvidently undertaken and sealed," the monks gave a bond for 110 marks to Master William of Ludford, to be repaid in three yearly instalments. In 1294 the King's taxes exceeded £150,[3] and four years later the total debt entered on the account roll of the Cellarer and Bursar amounted to £524 5s. 2¼d.[4]

For some years Bishop Giffard had attempted to check this financial mismanagement, but he had never been able to enforce his statutes.[5]

March 20, when the Archbishop came to the monks in the chapter house was, in the words of the Worcester monk, "a day of tribulation and of chiding". He deposed the sub-prior, precentor, chamberlain, third prior and pittancer and sacrist, and forbade the three last to go out of the precincts for a whole year.[6]

As was his custom in visiting other monasteries the Archbishop made certain temporary decrees for the better observance of the rule at Worcester. He sent his final injunctions from Canterbury on August 14, and he wrote in conclusion, "You shall diligently keep them with other observances of your profession so that an honourable religious life, at present in exile, may be quickly recalled to the glory of your Church".[7] He commanded each and all of the monks to come to the services in church in time and to stay until they were over. This is a usual provision in monastic injunctions of the thir-

[1] *Early Compotus Rolls of Worcester Priory*, ed. J. M. Wilson and C. Gordon (Worc. Hist. Soc.), 22, 23.

[2] *Liber Albus*, f. 25. [3] *Early Compotus Rolls*, 24, 31.

[4] *Roll* C. 54. Dean and Chapter Library.

[5] *Reg. Giffard*, ed. J. W. Bund, 380, 392; Thomas, *Survey of Worcester*, App., p. 57.

[6] *Annales Monastici*, iv. 549. [7] *Reg. Winchelsey*, ff. 82v-83v.

teenth and fourteenth centuries. There were so many accretions to the services, *e.g.* the office of the dead, the office of All Saints, the Hours of the Virgin and her Mass that the monk was now bound to spend far more of his day in church than when the Rule of St. Benedict was first instituted.[1] In the later half of the thirteenth century the English Benedictines attempted to shorten their services. At the general chapter over which the Abbots of St. Augustine's, Canterbury, and Glastonbury, presided in 1277, it was stated that the length of the office engendered dislike and extinguished devotion instead of kindling it, and that the duty of learning such long services by heart hindered many from entering the Order.[2] It was agreed that "the psalm which is called the creed of Athanasius," and was customarily said at Prime on all Feasts of twelve lessons, should be omitted except on Sundays, that Vespers and Lauds of All Saints should be omitted, and that other changes should be made to shorten the services.[3] But opinion in the monasteries was not unanimous. The comment of the St. Albans chronicler was that the statute of Mortmain—De Religiosis—passed in the next Parliament was a judgment on the monks for their sloth and ingratitude. Archbishop Peckham and the Bishops assembled in convocation forbade the use of this mutilated office, but met with opposition.[4] Bishop Giffard wrote to the Prior of Worcester in 1278 warning him that he would not suffer divine worship to be diminished.[5] At the general chapter in 1300 the Benedictines decided to omit certain long prayers and the monk wrote in the *Worcester Annals*, "I am uncertain if in the future the 'Pater Noster' will seem superfluous".[6]

[1] Edmund Bishop, *Liturgica Historica*, 213-28.
[2] MS. Bodley, 39, f. 52v.
[3] *Gesta Abbatum monasterii S. Albani*, ed. Riley, i. 464.
[4] *Reg. epistolarum J. Peckham*, i. 150.
[5] *Reg. Giffard*, f. 75.
[6] *Annales Monastici*, iv. 547.

Winchelsey recognised and approved of the custom of sending the monks away, after they had been bled, to one of the manors for the inside of a week, but he insisted that they must walk in procession on the following Sunday, and in copes on a special festival, on pain of losing their pittance of wine. He sanctioned a walk outside the monastery for change of air and scene, but each monk must always have a companion, and the younger brethren might not go out together.

At the general chapter of the Benedictines in 1300, a decree was passed that every head of a monastery could give dispensation to his monks to eat meat as it seemed good to him.[1] According to the Rule of St. Benedict, its use was forbidden to all except the sick and weak who were allowed to eat it in the infirmary but nowhere else.[2] In the course of the thirteenth century, this observance was much relaxed, vegetables and cereals were far less varied and abundant than at the present time,[3] and the food problem was complicated by difficulties of transport and the appalling state of the roads in winter. Salt herrings, peas and beans, were a monotonous diet. No one had meat in the refectory, but it was provided in a smaller hall called the misericord[4] and the head of a religious house, whether he was abbot or prior, invited some of the monks in turn to dine off meat in his lodging on certain days of the week. The cellarer and other obedientiaries sometimes provided meat in their offices, and so the number of monks in the refectory dwindled. Archbishop Winchelsey ordained that at Worcester no meat should be eaten in future except in the Prior's lodging, the misericord, and the infirmary; and that two-thirds of the monks must always take their meals in the refectory where no one might have any more delicate

[1] *Annales Monastici*, iv. 547. [2] Rule of St. Benedict, cap. xxxvi.
[3] R. E. Prothero, *English Farming, Past and Present*, 6.
[4] *Register of Worcester Priory*, ed. W. H. Hale, 129*b*.

food than the rest.[1] He forbade the monks to sit long over their wine or beer at dinner, supper, or any other time.

The Prior told Winchelsey that they were hard put to it to find food and drink for the refectory. Monastic housekeeping was extravagant almost of necessity. The customary portions were large, *e.g.*, a pound of bread a day and from a gallon to a gallon and a half of beer; but as the Almoner claimed all that was left for distribution to the poor, it was difficult, if not impossible, to retrench by cutting down supplies. The obedientiaries were sometimes tempted to take some of the remains to feed the servants, but such conduct was always severely censured in monastic injunctions as being a fraud on the poor.

The claim of almost unlimited hospitality, which was sought by both rich and poor, was a heavy drain on the resources of the monasteries both in money and in kind. In 1275, it was provided by Edward I, that without an invitation "none shall come to eat or lodge in any house of religion of any other's foundation than of his own at the costs of the house". The penalty was imprisonment and fine, and the religious were forbidden to receive any contrary to the Act, but in practice it was impossible to enforce it, especially as it was stated "that the King intendeth not that the grace of hospitality shall be withdrawn from such as need".[2]

The city of Worcester was on one of the main roads to Wales, for the bridge over the Severn was the only one between Gloucester and Bridgenorth.[3] When Archbishop Winchelsey arrived at the cathedral monastery, the guesthouse was full of people who had come without any invitation.[4] He ordained that guests should be

[1] It is significant that in 1334 Benedict XII reduced the number to a half in his statutes for the Benedictine Order, *cf.* Wilkins, *Concilia*, ii. p. 609.

[2] *Statutes of the Realm*, i. 26-9; Gibson, *Codex juris ecclesiastici Anglicani*, ii. 1170.

[3] *Liber Albus*, f. 54.

[4] *Annales Monastici*, iv. 548.

honourably received in the guesthouse and given refreshment there alone, not in the offices of the obedientiaries as heretofore, to the scandal of the house and the defrauding of the almonry. He forbade men and women from the outside world to eat and drink with the monks in the refectory at great festivals, but he allowed the servants to entertain them modestly in a building in the courtyard outside the cloister. Owing to the rash inconsiderateness of secular persons the Archbishop ordered the doors of the cloister to be kept locked while the monks held their daily assembly in the chapter house. As lay folks were in the habit of bringing their money and documents to the obedientiaries for safe custody, he commanded that such deposits should only be made with the knowledge of the Prior, they must be placed in the common strong-room with a record of the date and the circumstances.

The Archbishop found that at Worcester the Bishop had the unusual and absolute right of choosing any one of the monks as sacrist; the sacrist accounted to him alone for his receipts and expenditure, and he went in and out of the monastery on the Bishop's business without asking the Prior's leave. At Canterbury, when the office of sacrist was vacant, the monks submitted three names to the Archbishop and he chose one of them.[1] Winchelsey deposed Nicholas of Norton on the ground that he had wasted the goods of the sacrist's office, held private property, and was disobedient to the Prior,[2] and he forbade him to go outside the precincts for a whole year. He held that the Bishop was to blame, for it was with his connivance that the sacrist made presents and gifts and so wasted the income of the office on profane uses. In future the income attached to the sacrist's office was to be expended for the use of the monastery,

[1] *Reg. Winchelsey*, ed. R. Graham, 18, 20. (Canterbury and York Society.) *Cf. The Sacrist Rolls of Ely*, ed. F. R. Chapman, i. 168-75, App. D.

[2] *Reg. Winchelsey*, f. 83.

and the sacrist was put under the same obligation to account to the Prior and council of older monks as the other officials. However, when Winchelsey was in exile in 1307, his enemy Clement V revoked this ordinance, when he granted to William Gainsborough, Bishop of Worcester, the right to appoint and remove the sacrist who must render account to him alone.[1]

Giffard swore on oath that if, as the Prior and convent stated, a letter had been sent to notify them that Nicholas of Norton was to hold the office of sacrist for life, it was due to his own overwork and the importunity of the sacrist's friends.[2] This was very probable, for when the Archbishop visited him at Wick, he found that Giffard was blind and unable to look after his property.[3] According to Giffard's Register, Nicholas was appointed sacrist for the third time in 1290 "until the Bishop should order otherwise".[4] He had shown absolute confidence in Nicholas, and in 1300 he appointed him to act on his behalf as one of the visitors of the priory.[5] The monk who compiled the annals of the priory recorded the sacrist's zeal in beautifying the church with costly altar frontals;[6] in spite of the Archbishop's censure he seems to have been popular with his brethren, for a few months later, in 1302, he was the new Prior's chaplain and was chosen as one of seven to elect the new Bishop.[7] It seems probable that he had given presents to powerful friends in the interests of his house; it is significant that in 1307 Edward, Prince of Wales, wrote at the Earl of Warwick's request to ask the Prior and convent that Nicholas of Norton might have a room apart and sustenance for himself, two servants and two horses for life, because he had worked so hard for the good and profit

[1] *Cal. of Papal Registers*, ii. 26.
[2] Thomas, *Survey of Worcester*, App., p. 65; *Reg. Giffard*, f. 315.
[3] *Liber Albus*, f. 7.
[4] *Reg. Giffard*, f. 106v.
[5] *Ibid.*, ed. J. W. Bund, p. 530.
[6] *Annales Monastici*, iv. 510, 513.
[7] *Reg. Sede Vacante*, ed. J. W. Bund, 1, 71.

of their house.[1] The Prior told the Prince of Wales that they had already done as the Earl of Warwick wished.[2] It was usual to grant this privilege only to a Prior who retired from office.

Bishop Giffard would not forego his right to control the sacrist without a struggle. Gilbert of Madley had been appointed by the Archbishop on the advice of the monks who testified to his high character and zeal.[3] He received a summons to appear before the steward of the Bishop's household on August 29, to present the inventory of the goods of the sacristy, and to render an account of his administration, and he was cited to appear before the Bishop's commissaries for the same purpose on September 8.[4] The Archbishop promptly intervened: on September 5, he warned the Bishop that he would not be set at defiance, and that speedy punishment would fall upon him if he attempted it. He was persuaded that the Bishop, who was in a weak state of health, had been led astray by his advisers.[5]

On September 6, before he received this letter, Giffard removed Gilbert of Madley on the ground that he was holding the offices of sacrist and cellarer which were too great a burden for him, and he reappointed Nicholas of Norton, a monk "circumspect in things spiritual and temporal," and commanded the Prior to hand over to him the keys, ornaments, and everything belonging to the office of sacrist.[6] In his last will which he made at Kempsey on September 13, 1301, he left a cup of the value of 40s. "to Nicholas of Norton, who is now sacrist of Worcester, if he survive me".[7]

When the news reached the Archbishop, he wrote on September 20, to the Prior bidding him admonish Nicholas, who had damnably thrust himself in to the office of sacrist, to surrender it within eight days on pain

[1] *Liber Albus*, f. 27v. [2] *Ibid.*, f. 28. [3] *Reg. Winchelsey*, f. 284.
[4] *Ibid.*, f. 144v. [5] *Ibid.* [6] *Liber Albus*, f. 1.
[7] *Reg. Gainsborough*, ed. I. W. Bund, p. 51.

of the greater excommunication.[1] He told the Bishop that if, as was reported, he had tried to upset the Archbishop's decrees, he must withdraw his instructions at once.[2] The Bishop notified him that he had obeyed his command,[3] and on November 7, Winchelsey wrote again to tell the Prior and monks that it was their duty to support Gilbert of Madley against his envious and malicious enemies.[4]

Prior Simon of Worcester had resigned his office on July 13, on the ground of infirmity and old age which made him unfit for his duties. His successor, John de Wyke, reported the Archbishop's visitation to the general chapter of the Benedictine Order which met at Northampton on September 25, and a few days later, one of the two presidents, the Abbot of Westminster, wrote a formal letter mitigating and relaxing the penance imposed by the Archbishop on one of the Worcester monks, "on the authority of the chapter, and as far as lies in our power".[5] The other president, the Abbot of Malmesbury, wrote without any reservation "we absolve him from the rest of his penance".

It is unlikely that the Archbishop knew how the Benedictine chapter had intervened against his authority. On February 18, 1302, he commissioned the Prior to absolve the monks on whom he had imposed penances at his visitation; he heard that they had borne them with patience and amended their conduct.[6] But the dissensions were not at an end. Two years later, the Archbishop sent a severe reproof to the Prior and convent. Some of the monks were still hostile to Gilbert of Madley, the sacrist, and to John the cellarer, so he commanded that their detractors should be excommunicated and imprisoned.[7]

"We fear," he wrote, "that we have spoken with the

[1] *Reg. Winchelsey*, f. 283v. [2] *Ibid.*, f. 145v. [3] *Ibid.*, f. 284.
[4] *Ibid.*, f. 284. [5] *Liber Albus*, f. 1v. [6] *Ibid.*, f. 11v.
[7] *Ibid.* Letter inserted between ff. 82-3.

word of prophecy, that your whole house will be brought to the reproach of confusion through the obstinate pride and rash presumption of some of your rebellious brethren."

When the Archbishop left Worcester after his first visit on March 25, 1301, he went to the Cistercian monastery of Hayles, at the foot of the Cotswolds near Winchcombe. There he met the King, with the bishops and abbots, who had been summoned to be present at the funeral of Edmund, Earl of Cornwall, on March 28.[1] The Archbishop visited the Benedictine monastery of Winchcombe,[2] and rode on to keep Easter (April 2) at the Bishop of Hereford's manor of Prestbury near Cheltenham.[3]

He devoted a week or longer to his visitation in Gloucester.[4] The Benedictine monastery of St. Peter had prospered greatly during the Rule of Abbot John de Gamages (1284-1306).[5] The monastery was clear of debt, the manors were well stocked and profitable. The Prior, William de Brok, was a doctor of theology of Oxford, and another monk, Laurence Honsom, who had also spent years of study at the Benedictine College of Gloucester Hall, gained his doctorate in 1301.[6] But there was some extravagance and worldliness of which the Archbishop disapproved. He confirmed by request certain ordinances which had been drawn up in the past by the abbot and monks in council, but had not been strictly observed, and embodied them in the injunctions, which were dated in the chapter house at Gloucester on July 28.[7] These included very precise instructions concerning the management of property, the auditing of accounts, the framing of a budget for each year's expenditure, and the registration and custody of documents.

He limited the Abbot's household but afterwards

[1] *Annales Monastici*, iv. 549. [2] *Ibid.*, 551.
[3] *Reg. Winchelsey*, ff. 108, 141. [4] *Ibid.*, ff. 141, 281.
[5] *Historia et cartularium monasterii S. Petri Gloucestriæ*, ed. Hart, i. 34-41; *cf.* V.C.H., *Gloucestershire*, ii. 55, 56.
[6] *Historia S. Petri Glouc.*, i. 34, 35. [7] *Ibid.*, i. App. lxxiv-xcii.

yielded to the monks' request that the Abbot should have six esquires instead of only five.[1] He was not allowed to keep more than eight hounds and four harriers with one huntsman and a page to look after them, and if these dogs came into the guest hall during meals, they must be turned out at once by the doorkeepers. No monk or servant might keep superfluous dogs or puppies in the monastery or on the manors, and no official could have hounds, harriers, or horses except in moderation. Like other landowners, who had received charters of warren from the Crown, the Abbot and monks of Gloucester had the exclusive right of hunting and taking wild animals, principally hares and foxes, and wild fowl on their demesne lands, and they were obliged to keep a warrener or warden to prevent other people from hunting over their lands without a licence.[2] At the Council of Vienne, 1311-1312, Pope Clement V forbade monks and regular canons to hunt and hawk; if, however, they had deer leaps, stews and free warren, they might keep hounds and hawks but not within the monastery, and they might not be present at the "sport".[3] But this decretal was not obeyed. Chaucer's monk, who went on pilgrimage to Canterbury, loved "venerye".

> He yaf nat of that text a pulled hen,
> That seith, that hunters been nat holy men;
> . . . . . .
> Grehoundes he hadde, as swifte as fowel in flight;
> Of priking and of hunting for the hare
> Was all his lust.[4]

Archbishop Winchelsey also forbade the monks of Gloucester to play chess or dice or to shoot with the longbow or the crossbow, to use silk purses or unsuitable

[1] *Historia S. Petri Glouc.*, i. App. xcii., xciii.

[2] *Select Pleas of the Forest*, ed. G. J. Turner, cxxiii-cxxxiv.

[3] *Corpus juris canonici*, ed. Friedberg, ii. p. 1167; *Clementinarum*, lib. iii. tit. x. cap. i.

[4] *Prologue*, *Canterbury Tales*, ed. Skeat, p. 7.

girdles or pointed knives "because these things can become harmful to the religious life". He ordered another entrance to be made into the garden, so that servants and others should not disturb the sick by passing through the infirmary. Since his first visit to the monastery in April, he had stayed at the manor of Standish, and found that the monks in charge kept too costly a table, which was a fraud on the almonry, and must be discontinued.

The Archbishop visited the Augustinian canons of Lanthony by Gloucester, and saw their ruined church which had been burnt out in a great fire on Easter eve, when the towers fell and only the bare walls were left standing.[1]

At his visitation of St. Bartholomew's Hospital for the sick poor, at Gloucester, the Archbishop removed Prior William of Abbenhall (1295-1301), because he was found guilty by common knowledge and by his own confession of waste, the possession of private property, incest, adultery and evil living, serious negligence and other diverse crimes.[2] The affairs of the hospital were in a very critical state, and with the consent of the brethren the Archbishop appointed brother John Noke as Prior.

There is no entry in Winchelsey's Register of his attempt to visit the Prior and canons of the Augustinian monastery of St. Oswald, Gloucester, which was within the peculiar jurisdiction of the Archbishops of York.[3] It was originally a royal free chapel, and on the ground that it was thereby exempt from the jurisdiction of the metropolitan, the King now intervened. As the Prior and canons refused to admit him as their visitor, Winchelsey published a sentence of excommunication, and inhibited all persons in the city of Gloucester and elsewhere from selling to the Prior and convent food or

[1] *Reg. Winchelsey*, f. 281; *Historia S. Petri Glouc.*, i. 35.
[2] *Reg. Winchelsey*, f. 281; V.C.H., *Glouc.*, ii. 119, 120.
[3] *Ibid.*, 84-6.

any other necessaries for their maintenance, and from paying rents or tithes on pain of the same sentence.[1] The Prior and canons appealed to Edward I, but the case dragged on for some years, and as St. Oswald's was always a poor monastery, the strain was very severe. On April 29, 1302, Edward I ordered the Sheriff of Gloucester to proclaim in Gloucester and elsewhere that everyone should buy and sell and communicate with the Prior and canons of St. Oswald's, as they had been wont to do.[2] The Archbishop did not revoke his sentence, and on December 25, 1304, the King wrote to the Sheriff to satisfy himself of the truth of the Prior's complaint, and then summon the Archbishop to appear before the King on February 9, 1305.[3]

After leaving Gloucester, in April, 1301, Winchelsey passed on by Standish and Kingswood to the Bishop of Worcester's manor of Hembury, where he spent May 1.[4] At Bristol he intervened in the affairs of the hospital of St. Mark, Billeswick; it was an almonry at which 100 poor persons were served with a daily meal of oatmeal pottage and bread, and the property was vested in a small community of priests and clerks.[5] For over two years, since the resignation of the late master, the brethren had been involved in a lawsuit with the patron who claimed the right of presentation, entered upon the manors of the hospital, carried off the corn, and drove away the cattle. In consequence the brethren dispersed and begged their bread, and could not make the usual alms.[6] Bishop Giffard had failed to settle the dispute, but the Archbishop was more successful.[7] He made a provision by which the full number of 100 poor should be fed daily in two years' time, when the property had

[1] Prynne, *Records*, iii. 984. [2] *Ibid.*
[3] *Ibid.*, 1026, 1027; *cf. Cal. of Close Rolls* (1296-1302), p. 526, 30 Ed. I., m. 13.
[4] *Reg. Winchelsey*, ff. 281, 324v, 142v. [5] V.C.H., *Glouc.*, ii. 114-16.
[6] *Reg. Winchelsey*, f. 82v. [7] *Ibid.*, ff. 81, 82.

recovered, and in the meantime the master and officials were only bound to provide for a smaller number. They must render an account of their expenses in the presence of all the brethren at least once a year.

At Bristol the Archbishop heard that the clergy of the rural deanery charged a christening fee of two pence, and also that the ordinaries exacted payment for probate of wills, and executors' letters of quittance. He forbade the charge of any christening fee, though a free will offering from the parents might be accepted, and he also inhibited the ordinaries from exactions which led the citizens of Bristol to live outside the city in order to avoid them.[1]

On leaving Bristol, the Archbishop rode through the Cotswold country to Cirencester where he visited the monastery of Augustinian canons on May 18.[2] He kept the Whitsuntide festival at the Bishop of Worcester's manor of Withington, and then rode on to another of his Cotswold manors, Chedworth, where he held a large ordination for the Bishop, on the Vigil of Trinity Sunday.[3] In addition to the clergy who received orders from him, there were Dominicans from Warwick, Bristol, and Gloucester, and one Franciscan from Shrewsbury, Augustinian canons from Cirencester, Lanthony-by-Gloucester, and Kenilworth, and Cistercian monks from Hayles.

The Archbishop spent June in Warwickshire.[4] On July 13, he was back at Worcester[5] on his way to visit the Priories of Great Malvern and Little Malvern.[6] He was at Tewkesbury from July 24-26, and at Gloucester on the 28th.[7] Thence he returned to his own diocese.

There is evidence to show that, in the course of his

[1] *Reg. Gainsborough*, ed. J. W. Bund, pp. 7, 8.
[2] *Reg. Winchelsey*, f. 282 ; *cf. Annales Monastici*, iv. 551.
[3] *Reg. Winchelsey*, ff. 282, 108-10. [4] *Ibid.*, f. 282.
[5] *Annales Monastici*, iv. 550 ; *Worc. Reg. Giffard*, ed. J. W. Bund, 547.
[6] *Annales Monastici*, iv. 550; *Reg. Winchelsey*, f. 80v.
[7] *Ibid.*, ff. 282v, 80v.

visitation, the Archbishop insisted on seeing the title-deeds by which parish churches were appropriated to monasteries. On July 27, he notified the Prior and convent of Worcester that he had inspected their muniments touching their claim to parish churches, et cetera, and that these sufficed.[1] In 1302, the Abbot of Reading told the Prior of Worcester that the deeds and muniments by which they held the appropriation of Rowington Church and certain pensions had been read before the Archbishop at his visitation, and he accepted them as sufficient.[2] Master Robert de Wych who held the benefices of Tidrington and Alvechurch was summoned before him as a pluralist, but he produced his institution to Tidrington with Bishop Giffard's seal as evidence that Tidrington had been given to him in commendam before the Council of Lyons, so the Archbishop acquitted him.[3]

Within the limits of this paper it is possible only to examine some of the counts of the indictment against Bishop Giffard. It was drawn up by one of the Archbishop's clerks, probably Master William of Gloucester who was with him on this visitation,[4] and was rewarded a few months later with the living of Haseley which the Archbishop had found to be vacant through the negligence of the Prior and canons of St. Sepulchre's, Warwick, and of Bishop Giffard.[5] In June, 1299, Master William of Gloucester had acted as proctor for the Prior and convent of Worcester in transacting certain business with the Archbishop; a month later he was taken into the Archbishop's household and appointed as one of his commissaries to hear causes in his court.[6] The indictment consisted of thirty-eight charges made against the Bishop in answer to the articles of inquiry which were put during the visitation, and it was entered in Giffard's

[1] *Liber Albus*, f. 16v.
[2] *Reg. Sede Vacante*, p. 72.
[3] *Reg. Winchelsey*, f. 282v.
[4] *Annales Monastici*, iv. 550.
[5] *Reg. Winchelsey*, f. 285.
[6] *Ibid.*, ff. 267, 275.

Register together with his reply to every charge.[1] It is important to note that in the general admonition preceding the visitation, the Archbishop commanded those whom he questioned to tell him what they knew to be true, what they believed to be true, and what rumour said.[2] The indictment begins "We Robert, et cetera, visiting the chapter and diocese of Worcester have found that" as follows; and it is quite clear that though the Archbishop used the word "invenimus," the clerk framed the indictment from the charge of the Bishop's accusers, and without clear proof no single count can be accepted as true. As the Prior of Worcester administered the spiritualities of the diocese during each vacancy of the See, and was entitled to keep one-third of the receipts,[3] every action of the Bishop which might diminish his rights or profits was contested, as in the cases of his jurisdiction over Great Malvern Priory and of the Westbury prebends.[4]

In the legatine constitutions of 1268, Cardinal Ottoboni had forbidden the Bishops to appropriate any parish church to another Bishop or a monastery, unless it was plain that they were oppressed by the burden of poverty or there was some other lawful cause.[5] So the Prior and convent of Worcester charged the Bishop with appropriating the parish church of Winchcombe to Winchcombe Abbey without lawful cause, on the false suggestion of certain persons, and they said they had consented to it in error. However Giffard was able to prove from documents which were duly entered in his Register that Winchcombe Parish Church had long been appropriated to the monastery, and he had merely made a new settle-

[1] Thomas, *Survey of Worcester*, App., pp. 63-73.

[2] MS. Cotton Galba, E. iv. f. 61.

[3] *Reg. epistolarum J. Peckham*, ii. 632-5.

[4] Thomas, *op. cit.*, App. pp., 65, 67; *Reg. epistolarum J. Peckham*, ii. 423, etc.; *Reg. Giffard*, ed. J. W. Bund, *passim; cf. Bristol and Glouc. Archæol. Soc. Trans.*, xxxviii. p. 110.

[5] Lyndwood, *Provinciale*, 119, 120.

ment about the great and small tithes and the vicar's income.[1]

The Archdeacon of Gloucester complained that he had lost certain rights because the Bishop had appropriated the parish church of Ampney St. Mary to the Abbot and canons of Cirencester. The Bishop replied that this was an act of restitution; a former Abbot had stolen the common seal and had presented his nephew to be instituted as rector by the Bishop, although the church was said to have been appropriated from the foundation of the monastery.[2] However, the Crown lawyers viewed this act as a new appropriation which had been made without a mortmain licence, and in 1314 a fine of £20 was imposed on the monastery.[3]

Other complainants, probably the vicars of Grimley and Hallow, charged the Bishop with appropriating their churches to Worcester Priory without lawful cause and unjustly. Giffard replied that on October 22, 1268, he sanctioned the appropriation of this church and chapel to enable the monks to exercise hospitality and to help the poor as appeared in his Register, but he was prepared to revoke it if the Archbishop held that the reason was insufficient.[4] Winchelsey took no action, for Pope Nicholas IV had confirmed the appropriation.[5]

In a cathedral monastery the legal responsibility for repairing and rebuilding the church rested on the Prior and convent. Sometimes, as at Canterbury an Archbishop gave a large sum to the building fund,[6] and as at Winchester[7] and Ely[8] a Bishop paid for the whole or

[1] Thomas, *op. cit.*, App., p. 63; *cf. Reg. Giffard*, f. 6, printed in *Landboc sive registrum monasterii de Winchelcumba*, ed. Royce, i. 267, 268.

[2] Thomas, *op. cit.*, App., p. 72; *cf. Reg. Giffard*, f. 436.

[3] *Cal. of Patent Rolls* (1313-17), p. 103, 7 Ed. II. pt. ii. m. 15.

[4] Thomas, *op. cit.*, App., p. 63; *cf. Reg. Giffard*, f. 6.

[5] *Cal. of Papal Registers*, i. 499.

[6] Woodruff and Danks, *Memorials of the Cathedral and Priory of Canterbury*, p. 168.

[7] Robert Lowth, *Life of William of Wykeham*, p. 195, and App. No. 17.

[8] *Sacrist Rolls of Ely*, ed. F. R. Chapman, i. 19, 28, 29, 96; *Anglia Sacra*, ed. Wharton, i. 636.

part of the new building. Owing to their financial straits the Prior and convent of Worcester were anxious to throw the whole responsibility for the building and repair of the cathedral church on the Bishop. But Giffard himself was often in financial difficulties, because he had inherited debts from his predecessors, and found the buildings on his manors in urgent need of repair.[1] The Prior and convent told Winchelsey that when the cathedral church was burnt, *i.e.*, in 1202, the Bishop took upon himself the burden of restoring it, and in consideration thereof they had granted him the tithes of their demesne lands for a term of years which had long elapsed. His successors, including Giffard, continued to take the tithes, but spent nothing on the repair of the church.[2] Giffard denied all knowledge of any such agreement, neither he nor his predecessors, so far as he knew, had received the monks' tithes. It is clear that this was a weak claim on the Bishop; when the Prior and convent elected their sub-prior, John of St. German, to succeed Giffard in 1302, he promised that he would continue the building of the church;[3] the central tower and the greater part of the nave then awaited completion. However, this election was declared invalid,[4] and subsequently in 1350 it was expressly stated in a papal letter that the repair and building of the church of Worcester devolved on the Prior and convent.[5]

They also attempted to show that Giffard had misapplied revenues which should have been assigned to the fabric fund, *i.e.*, from property of the church in the possession of the sacrist, and from the papal grant of firstfruits of vacant churches for three years.[6] Giffard replied that he had fortified Hartlebury and paid for other buildings out of his own revenues. The moiety of offerings at the

[1] Thomas, *op. cit.*, App., p. 44.
[2] *Ibid.*, App., p. 63.
[3] *Reg. Sede Vacante*, f. 8.
[4] *Ann. Mon.*, iv. 551.
[5] *Hist. MSS. Commission*, Report xiv., App. viii., p. 168.
[6] Thomas, *op. cit.*, App., p. 66; *cf. Liber Albus*, f. 6.

shrine of St. Wulfstan were his according to the agreement of 1224 which he produced in evidence; out of the proceeds he had paid for the repair of certain buildings adjacent to the church. The papal grant of firstfruits, according to the Bull of Nicholas IV in 1290, was for the repair of the church and its buildings,[1] and he had expended what he had received on houses belonging to the church which were in need of repair.

There were several complaints about procurations taken by the Bishop and his clerks. The Prior and convent of Worcester told Winchelsey that when Giffard visited them in 1290, he arrived at the priory with many of his kinsmen and 140 horses, some of his people had broken the crockery and cut the table cloths, with the Bishop's connivance.[2] When he visited the Benedictine monasteries of Tewkesbury and Pershore in the same year, the expenses of his procuration were over thirty marks, instead of the legal sum, four, and he received presents from the Abbot of Pershore of a grey palfrey and a silver cup.[3]

Giffard gave an emphatic denial to the statement of the Prior and convent of Worcester. At Tewkesbury, guests had been invited to meet him without his knowledge, and so it was the fault of the Abbot and convent that the expense was so heavy. At Pershore, too, he had received the procuration due to him in food and drink, and if too much money had been spent in providing it, this was without his knowledge. More than three months afterwards, the Abbot of Pershore sent him a present of a foal, but he remembered nothing about a silver cup.

It was also reported to Winchelsey that Giffard's clerks, who acted as commissaries at visitations, exacted 3s. from some churches, and 6s. 8d. from others, although they had received procuration, and this with his con-

[1] *Cal. Papal Letters*, i. 508.
[2] Thomas, *op. cit.*, App., p. 71.
[3] *Ibid.*, p. 71.

nivance.[1] Giffard answered that, so far as he knew, his clerks had nothing but the procurations due to them. However, it is possible that his clerks, like those of the papal curia and the King's courts, were very successful in getting fees for themselves. They were probably responsible for other charges to which the Bishop himself gave a flat denial. These were, that clerks who wished for certificates of their orders, paid a fee of 2s. 6d. for sealing them; while clerks officiating in the diocese, who were asked by him for proofs of their orders, paid a fee of 1s., if these were correct; in the case of any deficiency, the fee was 6s. 8d.; and from those who had not their proofs, it was raised to 13s. 4d., and if they refused to pay, they were suspended.

In the course of his visitation, the Archbishop heard at Worcester, Gloucester, Lanthony by Gloucester, St. Augustine's, Bristol, Cirencester, and other monasteries, that when the Bishop's official and clerks came to hold a consistory court or to transact other business in the neighbourhood, they demanded as a right hospitality which had sometimes been given as a favour, and, with their servants and horses, they stayed in the monasteries for three, four, and sometimes eight days, which was an intolerable burden and expense.[2] The Archbishop held that the judges of the ordinary should maintain themselves at their own expense, when they were not on a visitation, and on November 7, 1301, he commissioned the Abbots of Winchcombe and Pershore to prevent the recurrence of this scandal in the diocese. However, while he was in exile in 1307, Pope Clement V reversed his decision and confirmed the right of the Bishop of Worcester to have his official and servants received and lodged wherever they went on business, notwithstanding any orders made by the Archbishop of Canterbury.[3] But the question was not settled by Clement V's Bull.

[1] Thomas, *op. cit.*, App., p. 68.
[2] *Liber Albus*, f. 5v.
[3] *Cal. Papal Letters*, ii. 26.

In 1315, the monasteries of Worcester, Gloucester, Lanthony by Gloucester, and Cirencester, entered into an agreement to refuse hospitality to the Bishop's official and clerks, and created a common fund to protect their interests at law.[1]

In Winchelsey's visitation articles there were searching inquiries about the institution of pluralists, and in consequence Giffard was charged with conferring churches with cure of souls on four notorious pluralists who were clerks of the King.[2] There are entries in his Register which prove that on occasion he refused to institute pluralists whom the King provided with benefices in return for their services, but he was forced to give way, especially as in the last resort they were able to get dispensations from the Pope to hold more than one benefice.

The case of Ralph of Hengham, a non-resident pluralist, was discussed at the Bishop's Council at Hartlebury in 1299.[3] He had held a canonry in the collegiate church of Warwick for over twenty years,[4] and in 1294 he possessed no less than fourteen English benefices with cure of souls.[5] He had been Chief Justice of the King's Bench from 1274 until 1290, when he was imprisoned and fined for the perversion of justice, but in 1300 he was again among the judges who were summoned to Parliament, and in 1301 he was appointed Chief Justice of Common Pleas.[6] The Bishop's Council decided that as he was of the King's Council, it was inexpedient to proceed against him. When Giffard was charged with admitting him to the benefice of Fairford, he told the Archbishop that Hengham had promised to show him a papal dispensation for pluralism which he

[1] *Historia et cartularium S. Petri Glouc.*, ed. Hart, i. 140-6.
[2] Thomas, *op. cit.*, App., p. 70.
[3] *Reg. Giffard*, ed. J. W. Bund, p. 516.
[4] *Ibid.*, p. 138.
[5] *Cal. of Pat.* (1292-1301), p. 122, 22 Ed. I. m. 5d.
[6] *State Trials of Edward I*, ed. T. F. Tout and H. Johnstone, p. xxx.

was expecting to receive, and in three other cases he made the same excuse adding that he had done as other Bishops did.[1] Winchelsey was obliged to overlook the case of Ralph of Hengham, but he had a struggle with another less known pluralist, Peter of Leicester.

Peter of Leicester first appeared in the Diocese of Worcester in 1275, when he was presented to Preston Bagot by Sir Peter de Montfort, and he kept this benefice until March 4, 1302, when he persuaded the executors of the Earl of Warwick to present his clerk to the living, which he then resigned in his favour.[2] In 1282, when still a sub-deacon he was instituted to Budbrook on the presentation of Ralph of Hengham and other canons of Warwick.[3] He was very clever and already well-versed in law, and in 1284 Bishop Giffard appointed him steward of his lands; two years later he gave him the rectory of Cleeve and attached Budbrook to a prebend of the collegiate church of Warwick, which relieved Peter of the obligation of residence at Budbrook, but after a few months he revoked both grants on account of Peter's ingratitude, and cited him to be instituted to Preston Bagot, which Peter asserted that he held in commendam.[4] Peter would not agree to resign Cleeve until two years later when the Bishop, out of kindness, gave him the prebend of Aust in the collegiate church of Westbury. But in 1293 he prosecuted a successful appeal for Cleeve; the Bishop, the rector of Cleeve, his chaplains, and other persons were excommunicated for contumacy, and the church of Cleeve was put under an interdict.[5] Peter had found the service of the King more profitable than that of the Bishop; he was first introduced into the Exchequer in 1279 when he was appointed a Clerk of the Receipt on

[1] Thomas, *op. cit.*, App., p. 70.

[2] *Reg. Giffard*, ed. J. W. Bund, p. 67; *Reg. Sede Vacante*, ed. J. W. Bund, p. 72.

[3] *Reg. Giffard*, pp. 169, 199.

[4] *Ibid.*, 286, 290, 306.

[5] *Ibid.*, 429.

the presentation of the Earl of Warwick; he acted as Justice of the Jews, sat on the commission which tried the judges, and became a Baron of the Exchequer in 1291.[1] He was loyal to the King, and in 1301 by reason of his long service, he received a licence to reside in his own house, as often as he needed quiet and recreation, and to return to the Exchequer and to stay there at his duties according to his will.[2]

In 1297 Giffard cited Peter with other pluralists for holding many benefices with cure of souls without papal dispensation, and he conferred the rich benefice of Thornbury on William of Cherington, although the Abbot and convent of Tewkesbury had presented Peter of Leicester.[3] But it was hopeless, Peter got a decision of the Court of Arches in his favour, and was inducted at Thornbury in 1298.[4]

When Winchelsey came to Budbrook on his visitation, it was common knowledge that the benefice was legally vacant; Peter had not taken priest's orders within a year of his admission, and he was a pluralist without a papal dispensation.[5] The true patrons had presented John of Corthugstoke, who humbly petitioned the Archbishop for help, so he commanded Giffard to admit John to Budbrook before June 29, 1301, and failing compliance to appear before him, together with Peter of Leicester, on the third law day afterwards.

The infirm old Bishop naturally shrank from a new struggle with the powerful baron of the Exchequer. A few months afterwards, when Giffard was dead, Peter wrote to the Prior of Worcester, who administered the spiritualities during the vacancy, and asked him to confirm the annexation of Budbrook to his prebend of Warwick, whereby he would be relieved of the duty of

[1] *State Trials*, p. xxiii.
[2] *Cal. of Pat.* (1292-1301), p. 615, 29 Ed. I. m. 4.
[3] *Reg. Giffard*, ed. J. W. Bund, 487, 489.
[4] *Reg. Giffard*, ff. 414v, 422, 423.
[5] *Reg. Winchelsey*, f. 144.

residence. The Prior begged to be excused.[1] Meanwhile Peter took the final step to secure his position as a pluralist. On August 5, 1302, Pope Boniface VIII addressed a letter to his beloved son, Peter of Leicester, in which he gave him permission to retain Hendon in Middlesex, Thornbury in Gloucestershire, and Wulfamcote in Warwickshire, all benefices with cure of souls, together with his canonry of Lichfield and his prebends of Westbury and Warwick.[2]

Peter now resigned Budbrook, and in 1303 the Archbishop admonished him to compound with John of Corthugstoke for all the law expenses.[3] But after all John did not get the benefice for which he had waited so long. Ralph of Hengham, who had given it to Peter of Leicester in 1282, now pressed his claim to the presentation against that of the Dean of Warwick, and the judge's candidate, Peter of Barton, a sub-deacon, was instituted to Budbrook on December 26, 1303.[4]

Winchelsey also found pluralists among clerks in the Bishop's service. Giffard defended himself on the ground that he had kept within the letter of the canon law. In the case of his former official, Thomas de Stokes, who was said to have held at the same time the rectory of Kempsey, the rectory of Cam and the vicarage of Standish, Giffard maintained that at Standish, Thomas held the portion of a rector in commendam, not that of a vicar which carried with it the obligation of residence. His possession of Cam was disputed all the time that he held it.[5] The case had come up before the Council of Hartlebury in 1299 when it was reported that Thomas de Stokes, pluralist, resided at Kempsey according to the Bishop's last mandate, and since 1298 he also had a coad-

[1] *Reg. Sede Vacante*, ed. J. W. Bund, p. 21.
[2] *Registres de Boniface VIII*, ed. Digard, p. 539.
[3] *Reg. Winchelsey*, f. 289.
[4] *Reg. Gainsborough*, ed. J. W. Bund, p. 124.
[5] Thomas, *op. cit.*, App., p. 69.

jutor on account of his ill-health.[1] However there was a memorandum that since according to the new constitution of Boniface VIII no clerk shall hold any church or vicarage without the title of institution, the Bishop notified Thomas de Stokes that from henceforth he should hold the vicarage of Standish by institution instead of in commendam as heretofore, and that the church of Kempsey which Thomas also held by institution was at the Bishop's disposal.[2] Nevertheless the Archbishop found Thomas still in possession of Kempsey, so he began proceedings against him. Bishop Giffard died on January 26, 1302, and on April 27, while the See was vacant the King intervened and presented his clerk, Peter of Collingburn, to Kempsey, and gave Thomas de Stokes the benefice of Owston in Lincolnshire which was vacated by Peter, so this was a case of collusion. The Archbishop was surprised, as the proceedings were not concluded, but he advised the Prior of Worcester to do as he thought best, so on Michaelmas Day Prior John inducted Peter of Collingburn, by proxy, to Kempsey.[3]

When Bishop Giffard made his last will at Kempsey, on September 15, 1301, and bequeathed his best ring to the Archbishop, he was anxious about his tomb, and wrote, "I ask lovingly, and I exhort in Jesus Christ, the Prior of Worcester, at the time of my funeral, and the worshipful body of his fellow monks, that they bury my body in the tomb which is situated alongside the high altar on the right hand".[4] The Archbishop had seen the tomb with grave displeasure. On January 10, 1302, he wrote to the Prior and sacrist of Worcester about the tall and costly structure of squared stone with pinnacles like a tabernacle, which Giffard had built for his last resting-place. It occupied the place of sedilia in other

[1] *Reg. Giffard*, ed. J. W. Bund, pp. 515-17. [2] *Reg. Giffard*, f. 442.

[3] *Cal. of Pat.* (1301-7), p. 29; 30 Ed. I. m. 26; *Reg. Sede Vacante*, ed. J. W. Bund, 28, 61, 66.

[4] *Reg. Gainsborough*, ed. J. W. Bund, p. 49.

churches, and blocked the light which should fall upon the altar, and there were other inconveniences of which the common people complained. Moreover, to make way for his own monument, the Bishop had removed the body of Bishop John of Coutances and the chest in which it rested, "a disgraceful thing". The Archbishop commanded the Prior and sacrist to take down the whole structure and put the monument lower down on the south side, where it could be better seen by passers by, restore the body of John of Coutances to its former resting-place, and to prepare sedilia. They must act within eight days of the receipt of the mandate, and intimate to the Bishop that he could build his tomb lower down or in another more suitable place.[1] This mandate was sent with a covering letter from the Archbishop's clerk, Master William of Gloucester, advising the Prior to publish it in chapter and then in the cathedral church before the people, to justify his action, but if he thought it expedient, he could wait to publish the mandate until after he had executed it.[2] The Bishop died on January 26. On February 12, the Prior wrote to the Archbishop begging to be excused because he had not removed the tomb of the Bishop. He had been afraid of hastening his death, and of a scandal among the people; if the Archbishop wished it, this could be done more decently after the funeral, which had taken place a week before.[3]

The monument, which is believed to be that of Bishop Giffard, is now on the south side of Prince Arthur's Chantry, within the screen,[4] but so far as I have been able to discover, there is no record to tell if the monument remained under its high tabernacle work until the Chantry was built over it, two hundred years later.

The result of this visitation was that the Archbishop issued injunctions to several of the monasteries, regulated

[1] *Reg. Winchelsey*, f. 146; *Liber Albus*, f. 6v.
[2] *Liber Albus*, f. 14.
[3] *Ibid.*, f. 10v.
[4] *Archæological Journal*, xx. pp. 341, 342.

the affairs of two hospitals, took proceedings to deprive some of the clergy for non-residence and pluralism, and attempted to remedy grievances by reforming the administration of the diocese. But he was hampered by the interference of the Crown and of the Papacy, and by the influence of unscrupulous lawyers. In the previous years of his primacy, he had had the same experience in his own and other dioceses, but in spite of it, he pursued the task of reform within the Church with dauntless courage.

THE RELATIONS OF HENRY CARDINAL YORK WITH THE BRITISH GOVERNMENT

By WALTER W. SETON, M.A., D.Lit., Fellow of University College, London

Read January 9, 1919

The origin of this paper on matters concerning Henry Cardinal York, the last representative of the main line of the Stuarts, is the purchase of a miscellaneous parcel of letters and papers belonging to the Morrison collection which was dispersed at Sotheby's in April, 1918. Apart from two autograph letters of the Cardinal, one of no special interest, and the other of rather unusual interest on account of its references to his brother Charles III, and also a letter of Louise, Countess of Albany, the wife of Charles III, the material proved on examination to consist mainly of letters, some originals and some copies, formerly belonging to Sir John Coxe Hippisley, Bt. This gentleman, a distinguished lawyer who was for many years engaged on sundry diplomatic missions for the British Government, was the person chiefly responsible for securing for Henry Cardinal York in his poverty and adversity in 1800 a pension from the British Government which he enjoyed until his death in 1807.

The grant of this pension is of course a fairly familiar incident to those who have studied the lives of the later Stuarts, but the complete narrative of the matter does not appear to have been anywhere recorded. Parts of the narrative and of the correspondence upon which it is based are found scattered in the various well-known sources, and the object of this paper is to piece it all

together into a fairly complete record. The main sources of information outside the State Archives are :—

(1) The above-mentioned packet of miscellaneous papers which for brevity will be referred to as the "Morrison Papers".

(2) MSS. in the British Museum, especially : Egmont 2401 : Stuart Papers Add. 34639.

(3) Braye MSS. in Hist. MSS. Comm. Report, 10, Appendix vi., pp. 242-51.

(4) A printed volume containing Copies of Letters from Cardinal Borgia and Cardinal York, 1799-1800.

(5) *The Annual Register*, 1807.

From all these and minor sources it has been possible to trace over fifty letters referring either to the granting of the pension or to its subsequent payment.

It may be well first to refer briefly to the events leading up to the matter. Born in 1725, Henry Cardinal York, Bishop of Frascati, had in 1788 succeeded his brother Charles as *de jure* King of Great Britain, France, and Ireland under the title of Henry IX ; and, until the storm of the French Revolution burst, he had lived in honour and affluence, pursuing with dignity but without any special distinction the calling of a Prince of the Roman Catholic Church. The storm, which began in France and overthrew the royal line in France, spread to Italy and in 1797 brought to extreme poverty and need the aged Henry Stuart who had inherited and held his throne "non desideriis Hominum sed voluntate Dei".[1]

On February 10, 1798, General Berthier and the armies of the French Directory entered Rome : the day before their entry the Cardinal fled from Frascati, first to Naples, then in December to Messina, and in January, 1799, to Venice, after wanderings in Corfu and Trieste. By the time the royal fugitive reached Venice he was reduced to almost complete destitution, and after a short

[1] The legend on the Hamerani Medal struck in 1788 to commemorate his accession as Henry IX.

stay in poor lodgings was compelled to find shelter in a monastery.

Such were the circumstances leading up to the matter which is the subject of the present paper—the grant of a pension by the British Government.

All those who have referred to the subject have hitherto assumed that the initiative in the granting of the pension was that of Stefano, Cardinal Borgia, a close personal friend and colleague of Cardinal York, a refugee with him in Venice. It is clear, however, that that is not the case. A draft of a letter in the British Museum,[1] written by Sir John Hippisley to Cardinal Borgia on August 19, 1799, shows that the first move was made by Hippisley: the gist of the draft is as follows:—

"In a conference with a friend of great influence in this country, we were deploring the losses suffered by the Cardinal Duke, and were considering the possibility of interesting persons much more powerful than ourselves on his behalf. . . . In consequence of this conversation I am taking the liberty of addressing myself to your Eminence and asking of you the favour that if you have any knowledge of the Duke's circumstances you will write me a letter on the subject, saying that this would be a fitting opportunity for our Government to take into consideration the losses and sufferings of an unfortunate descendant of the Throne of England. Such a letter placed before such persons of influence would, I feel sure, produce a good effect. Should your Eminence deem the Cardinal Duke to be in need of such help, it would be well for any proposal to come, not as suggested by me, but as an idea originally conceived by your Eminence, and as arising in the course of our correspondence."

From this draft it is clear that Hippisley either originated or was the channel of communication of the idea of relieving the distress of the Cardinal Duke. In

[1] Stuart Papers, Add. 34639, f. 6.

fact it is almost legitimate to suppose that the letter in question was actually inspired by the British Government or by King George III personally. For in 1785, Lord Caryll, a devoted Jacobite adherent, wrote saying "there are in this present Cabinet persons suspected of being at heart attached to their legitimate Prince; and further, I know for certain that the Elector himself has more than once declared that if the King were ever in distress, it would be a real pleasure to assist him".

Sir John Hippisley did not have to wait long for Cardinal Borgia's reply, for on September 14, 1799, the Cardinal wrote him a letter setting out the pathetic position of Cardinal York's affairs with such persuasiveness and skill that it was calculated to receive a favourable reception, even if it had not been prompted. The letter which begins, "the friendship with which you honoured me," has been printed several times in full,[1] so it is unnecessary to quote more than one of the closing sentences:—

"The picture, nevertheless, which I present to your friendship, may well incite the compassion of every one who will reflect upon the high birth, the elevated dignity and the advanced age of the personage whose situation I now sketch in the plain language of truth, without resorting to the aid of eloquence. I will only entreat you to communicate it to those distinguished persons who have influence with your Government; persuaded as I am that English magnanimity will not suffer an illustrious personage of the same nation to perish in misery."

On October 10, 1799,[2] Antonio, Archbishop of Siena, wrote in support of the same matter to Sir John Hippisley. Hippisley received Cardinal Borgia's letter before October 19, for on that day he wrote a letter[3] to Cardinal Borgia

[1] Vaughan, *The Last of the Royal Stuarts*, p. 228.
[2] B.M., Egm. MS. 2401, p. 122. [3] *l.c.*, p. 136.

to which reference is made in his subsequent letters. On October 29, 1799,[1] he wrote a letter to his friend, Mr. Andrew Stuart, M.P., a well-known lawyer and genealogist, enclosing Cardinal Borgia's letter and urging that "in such a case the relief is not to be decorously sought in the liberality of private individuals". On October 30, 1799,[2] Mr. Stuart forwarded Cardinal Borgia's letter and that of Sir John Hippisley to Mr. Secretary Dundas, recommending the case of the Cardinal Duke to the consideration of the Government.

Mr. Secretary Dundas transmitted the correspondence to Mr. Pitt who, in his turn, laid it before King George III. A memorandum [3] in the Braye MSS. records that: "Sir J. C. Hippisley had the pleasure to receive letters from the Duke of Portland, Lord Chatham, Lord Spencer and Mr. Secretary Windham (all Ministers of State) strongly expressing their satisfaction in acquiescing in any measure that could offer relief to the illustrious and venerable Cardinal of York. It was sufficient that the knowledge of his sufferings should reach the Throne, to assure both sympathy and relief".

On November 1, 1799, and November 15, 1799, Sir John Hippisley wrote letters to Cardinal Borgia, to which he alludes in later letters.

The King and his advisers did not take long to reach a favourable decision to come to the relief of the Cardinal Duke. By November 22, 1799, Sir John Hippisley was in the position of being able to communicate the progress of the matter to Cardinal Borgia, which he does in a letter in French, unsigned for no very apparent reason. This letter also has been printed in full;[4] it states that "in a few days' time this interesting matter will be laid before the eyes of the High Personage from whom flows every grace. . . . I think I can promise in eight or ten days to give your Eminence news that we shall be able

[1] *Hist. MSS. Comm. Rep.* 10, App. vi. p. 243.
[2] *l.c.*, p. 243.
[3] *Hist. MSS. Comm. Rep.* 10, App. vi. p. 243.
[4] Vaughan, p. 231.

to ward off another similar catastrophe, and it will perhaps be as well during this interval for us to despatch under your Eminence's name a letter of credit for £500 sterling which will be sent by to-day's courier to Mr. Conrad Martens in Venice."

On November 26 he adds a postscript stating that a life-annuity will shortly be arranged of which the Cardinal would be informed "either through myself or through another and a worthier channel". Within a week, *viz.*, on December 3, 1799, Sir John, feeling confident as to the result of his appeal and anxious to relieve the Cardinal Duke's necessities as soon as possible, forwarded the letter of credit for £500, apparently on his own responsibility, to Mr. Conrad Martens at Venice, for among the Morrison papers is the original reply of Mr. Martens, dated February 14, 1800.

On December 7, 1799,[1] Lord Chatham wrote to Sir John a short but sympathetic letter referring to the appeal of Cardinal Borgia.

Meanwhile Mr. Andrew Stuart was pushing forward energetically and successfully the representations to the King and his advisers. There are two letters from him to Sir John Hippisley reporting progress: one on December 3, 1799,[2] the other on December 9, 1799, the original of which is among the Morrison papers. "Nothing could be more satisfactory," he writes, "than Mr. Dundas's letter."

By December 16, 1799, a favourable decision had been reached, and Sir John Hippisley was free to write definitely the good news to Cardinal Borgia. As this interesting letter[3] has apparently not been published or quoted, it seems worth while to quote extracts here:—

"Although I was informed sometime ago that Lord Minto, H.M. Envoy and Minister at Vienna, had received instructions from Lord Granville, Secretary of State for Foreign

[1] B.M., Egm. 2401, p. 134. [2] *l.c.*, p. 128. [3] *l.c.*, p. 136.

Affairs, concerning the matters about the object which is of such great interest to us, I have thought it best not to inform your Eminence thereof, until Mr. Pitt, as Chancellor of the Exchequer, had given me leave to communicate it to your Eminence. It is thus with very great satisfaction that I take up my pen, in concert with my esteemed friend, Mr. Stuart, to tell you, Monseigneur, that Mr. Pitt himself has authorised us to inform your Eminence that Lord Minto has received definite orders to fulfil the object which we have so much at heart, and it is very probable that his letters have already arrived from Vienna at Venice. . . . It is my duty to tell your Eminence, that I may do the justice which is due to our Ministers, that neither Mr. Stuart nor I have doubted for a single moment as to the impression which your Eminence's letter would make on their feelings, and the goodness of heart of our august Sovereign is too well known for me to need to praise it.

"I have already made known to your Eminence the favourable views expressed by those of our Ministers who were in London when your letter reached me. They put on one side every consideration, however thorny and delicate, so as to regard only the misfortunes which appealed so strongly to their hearts.

"Your Eminence will be so good as to be the friendly channel for explaining to your illustrious colleague these steps in the most delicate way, and that most fitting to the sensitiveness of his disposition. He may always count with assurance on the tender interest which the British nation will take in his misfortunes, and that nation will never allow such a person to sink beneath the weight of distress which a faithless race has prepared for him in the height of its atrocity."

Pope Pius VI had died in exile from Rome on August 29, 1799, and at the time when Sir John's letters to Mr. Martens and to Cardinal Borgia reached Venice, the thirty-five Cardinals who had assembled in Venice, were in conclave on the Island of San Giorgio, for the election

of a new Pope. Among them, of course, was the Cardinal Duke of York, who, at that time, held the important position of Sub-Dean of the Sacred College.

In spite of the strict rules of absolute isolation of the Cardinals during a conclave, the messenger bearing Sir John Hippisley's letter was admitted: and on January 4, 1800,[1] Cardinal Borgia wrote a letter of grateful thanks on his own behalf and on that of the Cardinal Duke to Sir John.

"It would be impossible for me to express to you all the satisfaction felt by this exalted person at the assurance which you give me as to the security of the annual pension which has been allotted to him so as to relieve, in a stable manner, the misfortunes which have borne so heavily upon him. . . . My colleagues have learned of the British generosity towards the illustrious Cardinal York, and have all applauded the nobility of this action, and have justly praised the national liberality and all those who have co-operated in the success of so interesting a matter."

By January the matter of the actual payments of the pension, *viz.*, £2000 each half-year had been placed in the hands of Mr. Thomas Coutts, one of the early members of the banking firm of Coutts & Co. A fine marble statue of this gentleman adorns the hall of the present bank in the Strand. On January 20, 1800,[2] Mr. Coutts wrote an interesting letter direct to the Cardinal Duke expressing his pleasure at being the channel by which King George's benevolence was to reach his august relative. He refers also to a visit which he paid with his wife and daughters to the Cardinal Duke at Frascati in 1790 when he was most graciously received.

On February 9, 1800, Lord Minto, who had received early in the month the Foreign Secretary's instructions, was able to send the formal and courteously worded

[1] French translation among the Morrison papers.

[2] *Hist. MSS. Comm.* 10, vi. p. 243; text in Vaughan, p. 234.

despatch to the Cardinal Duke by the hands of Mr. Charles Oakley, intimating the grant of the annual pension of £4000, and stating that the first instalment of £2000 had been paid to Messrs. Coutts for his benefit. The letter translated from the French original has been printed *in extenso* in *The Annual Register*, 1807, and in other records.[1] Three days later (February 12, 1800) Lord Minto writes to Sir John Hippisley referring to a letter written by Sir John on December 13, and explaining that he has already carried out the pleasing duty of relieving the Cardinal Duke's needs. The original letter is among the Morrison papers.

"I could not well entrust this affair either to the post or to a common messenger, especially as the Cardinal is at present shut up in conclave, and, strictly accessible only to the Holy Ghost. I therefore waited a few days for Mr. Oakley. . . . I gave him my letter to the Cardinal with some instructions how to proceed, and the commission cannot be in better hands."

It is not difficult to realise the delicacy of the position in which the Cardinal Duke found himself. The reverses of fortune, which had pursued his line for so many centuries, had at last overtaken himself, and after a life lived in affluence and comfort he had to face not merely the non-recognition of his royal claims by his own country, by the traditional ally of his family, France and even by the Holy See, but a reduction to a condition of homelessness and pennilessness for which his training quite unfitted him. He was now confronted with a prospect of some alleviation of his sufferings and hardships, but at the hands of a Government which had rejected his dynasty and of a King who occupied *de facto* the throne which was his *de jure*. The Cardinal Duke acted under the circumstances with the grace and dignity which were characteristic of his family, and, while doubtless feeling in

[1] *E.g.*, Vaughan, p. 235.

his own mind that he was merely accepting a much belated instalment of the unpaid marriage jointure of his grandmother Queen Mary of Modena, to which further reference will be made later, he accepted the help offered through Lord Minto and wrote to him on February 26, 1800 :—[1]

"I did not in the least doubt of the noble way of thinking of your generous and beneficent Sovereign: but I did not expect to see in writing so many and obliging expressions that, well calculated by the persons who receive them and understand their force, impressed in their minds a lively sense of tenderness and gratitude which, I own to you, obliges me more than the generosity spontaneously imparted."

On the same day, February 26, 1800, the Cardinal Duke did not fail to send to Sir John Hippisley a letter full of thanks, recognising in him the benefactor through whose good offices the help of King George III had been secured. A facsimile reproduction of this interesting letter, signed "your best of friends Henry Cardinal," can be found in the volume of letters from Cardinal Borgia and Cardinal York, 1799-1800, which was issued by Hippisley.[2]

Naturally no one was more gratified at the successful issue of the appeal than Cardinal Borgia. The conclave was still dragging its weary course, and the Cardinals had probably arrived at the last extreme of boredom, when Lord Minto's messenger, Mr. Oakley, arrived as an interesting and pleasing diversion. Cardinal Borgia, writing to Sir John on February 26, 1800,[3] says : "It would be impossible for me to describe the admiration and praises which their Eminences assembled here gave to the royal and national generosity". Having now received the definite assurances as to the pension, the Cardinal

[1] *Annual Register*, 1807; Vaughan, p. 237.
[2] Reprinted in Vaughan, p. 238.
[3] Copy in French among Morrison papers.

Duke at once repaid to Sir John Hippisley the advance of £500 which that gentleman had sent through Mr. Martens as an emergency out of his own pocket. The Morrison papers contain the original letter from Monsignor Erskine, a distinguished Scottish ecclesiastic and a friend of the Cardinal Duke, dated March 26, 1800, and enclosing the draft in repayment.

The satisfactory issue of Sir John Hippisley's intervention on behalf of the Cardinal Duke did not put an end to their correspondence. On the contrary, during the months and years that followed the granting of the pension an exchange of cordial letters went on between them, most of which are to be found either among the Morrison papers or among the Braye MSS. calendared in the *Hist. MSS. Comm. Report*, 10, App. vi.

On March 31, 1800,[1] Sir John writes thanking the Cardinal Duke for his letter of February 26: "Severe as have been your Eminence's sufferings they will nevertheless find some alleviation in the general sympathy of the British nation. With all distinction of parties: with all differences of Communion—among all conditions of men—but one voice is heard:—all breathe one applauding sentiment—all bless the gracious act of the Sovereign in favour of his illustrious but unfortunate relation."

A further letter was written by Sir John to the Cardinal Duke on April 13, 1800:[2] another on April 15, 1800,[3] telling him that Mr. Patrick Moir of Rome will act as agent for Messrs. Coutts in handling the pension. On April 23, 1800,[4] the Cardinal Duke writes to Mr. Thomas Coutts acknowledging his letter of January 20: on the same date he writes to Mr. Andrew Stuart thanking him for all his services in connection with the pension.

In June, 1800, the Cardinal Duke was able to return

[1] Copy in Morrison papers, printed in *Jesse Memorials of the Pretenders*, ii. p. 162.

[2] Item 1018 in Cat. of Exhib. of Royal House of Stuart.

[3] *Hist. MSS. Comm.* 10, vi. p. 244. [4] *l.c.*, p. 244.

to his much loved home at Frascati and to Rome, only to find, however, that the devastating French invasion had swept away much of his cherished possessions, and that he was in an even worse condition of poverty than when he was a fugitive in Venice with less state to maintain. There are interesting letters from him to Sir John Hippisley on July 6, 1800,[1] and August 19, 1800,[2] in the latter of which he gives a graphic description of conditions in Rome. "It is always some comfort to find ourselves returned safe and sound after so many disasters: but we are all in reality in a dismal situation, and our most excellent and amiable Pope has not wherewith to pay his very frugal dinner from day to day."

Although it had certainly been the intention of King George and of his Government that the pension of £2000 half-yearly should be continued as long as the Cardinal Duke's circumstances made it necessary, there appears to have been a temporary hitch in the matter after the first two payments had been made. The Morrison papers contain an original letter from Lord Minto to Sir John Hippisley and Mr. Andrew Stuart, dated December 23, 1800, in which, after pointing out that his instructions from Lord Granville could not possibly be construed as going beyond the first two payments to the Cardinal Duke, he continues as follows:—

"If his Eminence has already received the sum I now allude to [the second £2000], I am concerned to acquaint you that my powers are entirely exhausted. Those powers were not only so precise, but were given to me so formally (by the King's sign manual), that there is no room for any latitude in their interpretation, and a fresh authority will be indispensable for carrying on the payments. It appears, indeed, so clear that his Majesty's intention was to extend this bounty during the continuance of those necessities which gave occasion to it, that I cannot think anything will be risked by an application

[1] *l.c.*, p. 245. [2] Morrison papers.

for the subsequent payments or even by the request suggested by his Eminence that they may be put on some regular and permanent arrangement which may save this old and venerable personage from the inconvenience, as well as the anxieties of uncertainty, and purge this noble and beneficent act of every hesitation or modification that could diminish its lustre."

During the early months of 1801, Sir John was in communication with the Government on the matter, and on March 30, 1801,[1] Lord Hawkesbury, the new Foreign Secretary, was able to assure him that "care will be taken that future payments of the allowance to the Cardinal of York shall be regularly made". This welcome assurance was communicated by Sir John to the Cardinal Duke in a letter dated April 7, 1801,[2] in which he personally undertakes that "he will always take care of that delicate and important business in any future change of ministers".

Between April, 1801, and February, 1803, there are few letters of special interest on this subject; the Braye MSS. contain a good many letters between Messrs. Coutts and Mgr. Cesarini who had been appointed the Cardinal Duke's man of business. It is interesting to note that in February, 1803, Messrs. Coutts state that they decline to charge any commission for their services in this matter. It is evident, also, from a letter of Mr. Thomas Coutts of February 4, 1803,[3] as well as one from the Cardinal Duke to Sir John Hippisley of January 13, 1803,[4] that the Cardinal Duke, pressed by his straightened means appealed to his benefactors for an increase in the half-yearly allowance. Mr. Coutts undertook to do all he could in the matter, and the question of obtaining an increase crops up several times between 1803 and 1805. Evidentally, however, no success attended such efforts as were made, for the half-yearly receipts continue to be for

[1] *Hist. MSS. Comm.* 10, vi. p. 246.
[2] *Ibid.*
[3] *l.c.*, p. 247.
[4] Morrison papers.

£2000. It has not been possible to ascertain more on this subject, as unfortunately the early Archives of Messrs. Coutts have had to be destroyed for lack of space: these Archives would probably have thrown light on the communications made by Mr. Coutts or by the firm thereon.

The last letter worthy of record in this transaction is one dated October 15, 1806,[1] from the Bishop of Milevi (Mgr. Cesarini) to Prince Augustus, Duke of Sussex written at the direction of the Cardinal Duke. The Duke, he states, is as well as his age of eighty-two permits. His circumstances would be much reduced but for the generosity of the Royal Family, which he attributes in great measure to the Duke of Sussex's influence.

The last instalment of the British pension received by the aged Prince was that of July, 1807, for he died on July 13, 1807, and the Bishop of Milevi wrote on July 18, to Messrs. Coutts, formally notifying them of that event.

So ended the relations of Henry Cardinal York with the British Government. It remains to examine briefly his relations with that Government in another matter to which allusion has already been made, the claim to the marriage jointure of his grandmother, Queen Mary of Modena.

Looking back on the whole case after the lapse of a century and a half, it may be wondered how the Stuart brothers ever imagined that they had a reasonable chance of success. Indeed, whatever hopes and expectations Charles III and his daughter Charlotte may have entertained, it would seem that Henry realised all along that the hope of establishing a claim to the money was illusory. The facts are quite clearly set out in the case presented to John Duke of Dorset[2] which will be found along with

[1] *Hist. MSS. Comm.* 10, vi. p. 248.
[2] British Ambassador at the French Court.

a good many other papers on the subject in the correspondence of the 5th Duke of Leeds in MS. Add. 28062 in the British Museum; the following is a brief summary:—

On November 26, 1673, James II married Princess Mary of Modena. After his accession, by six different Letters Patent he granted to her Lands, Annuities, etc., amounting to about £50,000 per annum. By an Act of Parliament, 1 James II, cap. 12, "An Act for consolidating the estates, etc.," it is expressly provided that nothing in that Act shall "avoid" the jointure which is confirmed.

From 1688 the Queen received no part of the jointure.

It appears from letters between the Earl of Middleton and Marquis de Torcy that the French King obtained a promise from King William III that the jointure should be regularly paid. In the Treaty of Riswick (1697) it is again mentioned that the Ambassadors of King William III declared that the King had promised the continuance of the jointure. This was again confirmed in personal conversation of King William III on November 22, 1697, with the Swedish Ambassador, M. Lillienroote.

When the French Court pressed for fulfilment of the undertaking, the Earl of Portland attributed the refusal to fulfil this promise to non-fulfilment of the condition that the Stuarts should be obliged to quit France—a condition which does not previously appear. The matter came up again through the French plenipotentiaries at Utrecht. Queen Anne on December 23, 1713, gave an order to the Earl of Oxford to pay to the heirs of the surviving trustees what should accrue to the Queen Dowager from March 25, 1713.

The Queen Dowager died in 1718 intestate, never having received anything.

The accumulated arrears amounted to £1,500,000.

The elder grandson, Prince Charles Edward, became attainted under 18 Geo. II, chap. 39, through having landed in Scotland.

The younger grandson, Henry, was never so attainted, and

it was represented that he was either an alien or a natural born subject of this country.

By the Bankers' Case (1 Will. and Mary) a grant of the Crown out of the hereditary excise is valid. The Queen to whom the grant was made, had full "dominion and disposal" of the income, apart from her husband. No act of the King, her husband, including his abdication, affected the rights vested in the Queen by Letters Patent and Act of Parliament.

The younger grandson, Henry, was consequently entitled to sue for Letters of Administration of his grandmother's estate.

Whenever an action is founded on an Act of Parliament, it is not within the statute of limitations.

Apart from the original obligation to pay, the inclusion of the obligation in the Treaties of Riswick and Utrecht pledged the national faith to France and Sweden.

The younger grandson, as entitled to take out Letters of Administration to the Queen Dowager, was entitled to demand what was due to her. He would be entitled to sue for it at law with a reasonable prospect of success.

The case concludes thus :—

"However, such is the opinion which the Representation of the Illustrious Family aforesaid entertain of the Humanity, Justice, Faith, and Honour of His Majesty and the Nation that, how certain soever might be the prospect of success if recourse were had to that mode of proceeding, they prefer this present method of Address to Government, not doubting but they shall meet with such Relief as on consideration of the circumstances, will be found most proper and convenient."

It was in 1785 that the claim was thus revived, almost seventy years after the death of Queen Mary of Modena. The negotiations were placed in the hands of Lord Caryll who was to secure the good offices of the French King in the matter. The claim was on behalf of Charles who however persuaded his brother Henry to associate himself with it.

It is indeed rather surprising that the case was treated with the consideration which as a matter of fact it secured. The two elderly representatives of the Stuart line had indeed by 1785 ceased to be a serious political menace to the British Throne and to the British Government: still Charles was engaged in political intrigue for the recovery of his kingdom practically until his dying day, and it was antecedently unlikely that any British Government would hand over so large a sum of money as £1,500,000 to one who had been attainted, or even to the Modena-Este family who would of course have received it merely to hand it over to the two brothers. Among the Stuart papers in the British Museum is to be found the legal opinion on the Modena jointure claim by Francis Plowden —the main point of which was that the claim if made at all should be made by the Modena family, and that something less than the whole sum of £1,500,000 should be claimed. The death of Charles in 1788 brought the proceedings to a close, and Henry never revived the claim, even though as heir of Charlotte Stuart (to whom Charles bequeathed his interest in the claim), he became the single claimant to the whole sum.

At the time when the negotiations about the claim broke down, Henry Cardinal York was in no particular need of the money. It is satisfactory to feel that when his hour of adversity came, when he had ceased for ever to be a political menace, the help which he so greatly needed came to him from the British Government and from the successor of William III and Anne, who had been instrumental in depriving Queen Mary of Modena of rights assured to her by Act of Parliament.[1]

[1] The State Archives referred to above (p. 95) as potential sources would include the Foreign Office and Treasury Records, together with the Windsor Castle archives. Documents still undescribed, in private collections are, of course, an unknown quantity.

APPENDIX.

Summary of Principal Documents Relating to the Pension of Henry, Cardinal York.

Referred to in the preceding pages.

Date.	Name of Writer.	Name of Addressee.	"Incipit," where Ascertained, or Subject.	Source.
Aug. 19, 1799.	Sir J. C. Hippisley.	Cardinal Borgia.	In una conferenza.	Stuart Papers, B.M. Add. 34639, f. 6.
Sept. 14, 1799.	Cardinal Borgia.	Sir J. C. Hippisley.	The friendship with which . . .	H. M. Vaughan, *Last of Royal Stuarts*, p. 228.
Oct. 10, 1799.	Antonio, Archbishop of Siena.	Sir J. C. Hippisley.	Non so esprimere.	B.M. Egmont 2401, f. 122.
Oct. 19, 1799.	Sir J. C. Hippisley.	Cardinal Borgia.		Mentioned in Letter of Dec. 16, 1799, below.
Oct. 29, 1799.	Sir J. C. Hippisley.	Andrew Stuart, Esq., M.P.	[Asking his co-operation.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 243.
Oct. 30, 1799.	Andrew Stuart, Esq., M.P.	Mr. Secretary Dundas.	[Forwarding Cardinal Borgia's letter.]	" " " " " "
Nov. 1, 1799.	Sir J. C. Hippisley.	Cardinal Borgia.		Mentioned in Letter of Dec. 16, 1799, below.
Nov. 15, 1799.	Sir J. C. Hippisley.	Cardinal Borgia.		" " " Jan. 4, 1800 "
Nov. 22, 1799.	Anonymous [but probably Sir J. C. Hippisley.]	Cardinal Borgia.	I have been hoping to be able.	H. M. Vaughan, p. 231.
Nov. 26, 1799.	Postscript to above.			
Dec. 3, 1799.	Andrew Stuart, Esq., M.P.	Sir J. C. Hippisley.	I have read over . . .	B.M. Egmont 2401, f. 128.
Dec. 3, 1799.	Sir J. C. Hippisley.	Conrado Martens.		Mentioned in Letter of Feb. 14, 1800, below.
Dec. 6, 1799.	Sir J. C. Hippisley (?)	Mr. Long, Secretary of Treasury.	On the subject of . . .	B.M. Egmont 2401, f. 132.
Dec. 7, 1799.	Earl of Chatham.	Sir J. C. Hippisley.	Being to leave town . . .	" " " f. 134.
Dec. 9, 1799.	Andrew Stuart, Esq., M.P.	Sir J. C. Hippisley.	I am sorry to find . . .	Original in Morrison MSS.
Dec. 13, 1799.	Sir J. C. Hippisley.	Lord Minto.		Mentioned in Letter of Feb. 12, 1800, below.
Dec. 16, 1799.	Sir J. C. Hippisley.	Cardinal Borgia.	Les lettres anterieures . . .	B.M. Egmont 2401, f. 136.
Jan. 4 1800.	Cardinal Borgia.	Sir J. C. Hippisley.	Prévenu d'abord.	Copy in Morrison MSS.
Jan. 20, 1800.	Mr. Thos. Coutts.	Henry, Cardinal York.	[*Re* payment of pension.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 243.
Feb. 9, 1800.	Lord Minto.	Henry, Cardinal York.	J'ai reçu les ordres . . .	Copy in Morrison MSS., H. M. Vaughan, p. 235.
				Ann. Reg., 1807, p. 828.
Feb. 12, 1800.	Lord Minto.	Sir J. C. Hippisley.	I had the pleasure . . .	Original in Morrison MSS.
Feb. 14, 1800.	Conrado Martens.	Sir J. C. Hippisley.	En reponse à l'honneur.	" " " "
Feb. 26, 1800.	Henry, Cardinal York.	Sir J. C. Hippisley.	Your letters fully convince me . . .	Copy in Morrison MSS., H. M. Vaughan, p. 238.
Feb. 26, 1800.	Henry, Cardinal York.	Lord Minto.	With the arrival of Mr. Oakley . . .	" " " " " " " p. 237.
Feb. 26, 1800.	Cardinal Borgia.	Sir J. C. Hippisley.	J'ai reçu de M. Conrado Martens.	Copy in Morrison MSS.
Mar. 15, 1800.	Lord Minto.	Mr. Oakley.	[Thanks for services during mission.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 244.
Mar. 26, 800.	Mgr. Erskine.	Sir J. C. Hippisley.	Monsignore Erskine presents . . .	Original in Morrison MSS.
Mar. 31, 1800.	Sir J. C. Hippisley.	Henry, Cardinal York.	I trust your Eminence will do me . . .	Copy in Morrison MSS., H. M. Vaughan, p. 241.
Apr. 13, 1800.	Sir J. C. Hippisley.	Henry, Cardinal York.		Catalogue, Exhib. of Royal House of Stuarts, No. 1015. Belonged to A. P. Trotter, Esq.
Apr. 15, 1800.	Sir J. C. Hippisley.	Henry, Cardinal York.	[*Re* mode of drawing allowance.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 244.
Apr. 15, 1800.	Sir J. C. Hippisley.	Mr. Moir, Rome.	[*Re* acting as agent in Rome.]	" " " " " "

Date.	Name of Writer.	Name of Addressee.	"Incipit," where Ascertained, or Subject.	Source.
Apr. 23, 1800.	Henry, Cardinal York.	Mr. Thos. Coutts.	[Acknowledging letter of Jan. 20.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 244.
Apr. 23, 1800.	Henry, Cardinal York.	Andrew Stuart, Esq., M.P.	[Thanks for services.]	" " " " " "
May 7, 1800.	Henry, Cardinal York.	Sir J. C. Hippisley.	I have not words to explain . . .	*Ann. Reg.*, 1807, H. M. Vaughan, p. 241.
July 6, 1800.	Henry, Cardinal York.	Sir J. C. Hippisley.	I received your most obliging . . .	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 245.
July 23, 1800.	Henry, Cardinal York	Alex. Sloane.	[Receipt for £500.]	Copy in Morrison MSS.
Aug. 2, 1800.	Andrew Stuart, Esq., M.P.	Henry, Cardinal York.	[Reply to letter of Apr. 23.]	B.M. Add. 30468, f. 33.
Aug. 19, 1800.	Henry, Cardinal York.	Sir J. C. Hippisley.	As I had the pleasure . . .	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 245.
Aug. 20, 1800.	Sir J. C. Hippisley.	Henry, Cardinal York.	[Suggests mention of losses sustained.]	Copy in Morrison MSS.
Sept. 12, 1800.	Mr. Thos. Coutts.	Henry, Cardinal York.	[*Re* payment of £2000.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 245.
Oct. 17, 1800.	Henry, Cardinal York.	Sir J. C. Hippisley.	I can't express to you . . .	Catalogue, Exhib. of Royal House of Stuart,
Nov. 25, 1800.	Sir J. C. Hippisley.	Henry, Cardinal York.	I had been absent . . .	No. 1019. Belonged to A. P. Trotter, Esq.
Dec. 5, 1800.	Sir J. C. Hippisley.	Henry, Cardinal York.	[Advising him to draw on Coutts.]	Copy in Morrison MSS.
Dec. 23, 1800.	Lord Minto.	Sir J. C. Hippisley and Andrew Stuart, Esq., M.P.	I have had the honour . . .	B.M. Add. 30468, f. 76.
Jan. 8, 1801.	Henry, Cardinal York.		[Copy of Receipt for £2000.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 245.
Feb. 10, 1801.	Sir J. C. Hippisley.	Henry, Cardinal York.	[Allowance affected by political changes.]	Original in Morrison MSS.
Mar. 30, 1801.	Lord Hawkesbury.	Henry, Cardinal York.	[Future payments to be made regularly.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 245.
Apr. 7, 1801.	Sir J. C. Hippisley.	Henry, Cardinal York.	[Enclosing Lord Hawkesbury's letter.]	" " " " " "
May 11, 1801.	Henry, Cardinal York.	Sir J. C. Hippisley.	[Thanks for letter of Apr. 7.]	" " " " " p. 246.
Spring, 1801.	Henry, Cardinal York.	Lord Minto.	[Urging straightened circumstances.]	" " " " " "
Jan. 3, 1803.	Henry, Cardinal York.	Messrs. Coutts.	[Appointment of Bishop of Milevi to act for him.]	" " " " " "
Jan. 13, 1803.	Henry, Cardinal York.	Sir J. C. Hippisley.	I have taken it extremely kind . . .	" " " " " "
Jan. 26, 1803.	Cardinal Erskine.	Sir J. C. Hippisley.	Since my last letter . . .	Copy in Morrison MSS.
Feb. 4, 1803.	Mr. Thos. Coutts.	Henry, Cardinal York.	[Endeavouring to obtain increased allowance.]	" " " "
Dec. 15, 1804.	Bishop of Milevi.	Mr. Thos. Coutts.	[Request for increase of allowance.]	*Hist. MSS. Comm. Rep.* 10, App. vi., p. 247.
Feb. 1. 1805.	Mr. Thos. Coutts.	Bishop of Milevi.	[Reply to letter of Dec. 15.]	" " " " " "
June 8, 1805.	Bishop of Milevi.	Mr. Thos. Coutts.	[Renewed representations *re* increase.]	" " " " " "
Oct. 15, 1806.	Bishop of Milevi.	Duke of Sussex.	[Presenting Cardinal's compliments.]	" " " " " p. 248.
July 18, 1807.	Bishop of Milevi.	Messrs. Coutts.	[Announcing death of Cardinal on July 13.]	" " " " " "
				" " " " " "

THE WHIGS AND THE PENINSULAR WAR, 1808-1814

By GODFREY DAVIES, M.A., F.R.Hist.S.

Read March 13, 1919

The attempt of George III to revive personal government tended to embitter politics and to accentuate the differences between the two rival parties in the State. At the same time the distrust existing between the various sections of the Whigs proved that personal animosities were unusually prominent. Conciliation seemed to be regarded as a sign of weakness, and the general antipathy to compromise was strengthened by the unpopular union of Fox and North in 1783. Consequently it proved impossible to form a real Coalition Government in 1794, when only the Portland Whigs joined Pitt's administration. Fox's reckless assertion that Pitt could suggest nothing he would not oppose is an example of the unreasoning party spirit, intensified by private prejudices, displayed by the Whigs during the twenty years of war against revolutionary France. Even when the character of the war was completely changed—when the champions of internationalism at Paris were replaced by a military autocrat, and when a war begun to preserve the Low Countries was transformed into a struggle for national existence—the Whigs did not relax their factious opposition. By continually prophesying disaster and by opposing a war upon whose issue the fate of England and of Europe depended, they forfeited the confidence of the country, and alienated patriots like Wordsworth and

Southey, who were disgusted by the intolerance of the Tory Government, but who believed that honour and prudence alike demanded the continuation of the conflict with France to the bitter end.

To survey even in outline the various tactics of the opposition during the Napoleonic war would be a very lengthy task. The present paper is, therefore, confined to a single topic, the Peninsular War, and is an endeavour to explain, by reference to the speeches and writings of the Whig leaders, their attitude towards the struggle and the criticisms they passed upon the campaigns of the British army in Spain and Portugal.

During the short-lived administration of "All The Talents," the Whigs definitely abandoned Pitt's policy of subsidising European coalitions against Napoleon, with the intention of waiting for a spontaneous rising against French domination before employing the British army on the Continent. They therefore eagerly welcomed the news that the Spaniards had fled to arms to resist Napoleon's attempt to make his eldest brother, Joseph, King of Spain. In the House of Commons, Whitbread said that "from the bottom of his soul he wished success to the patriotic efforts of the Spaniards, and that the present glorious struggle might be crowned with the recovery of their liberty as a people, and the assertion of their independence as a nation".[1] But although Grey wrote privately that "men, money, ships, to the utmost extent that the country will afford them, ought to be sent without delay" to the Peninsula,[2] the Whig leaders were careful to abstain from any hasty promises to help the Spaniards. Much to their annoyance, Sheridan refused to be restrained by political niceties. "Since the first burst of the French Revolution,"

[1] July 4, 1808. *Parl. Deb.*, xi. 1142.

[2] June, 1808. *Life and Opinions of Earl Grey*, 218-9; *cf.* June 13, 1810. *Parl. Deb.*, xvii. 598-9. Grey then said he should not have sent an army to Spain unless he had seen "a sufficient spirit in the people of that country to profit by our assistance," and "the means of providing a sufficient supply of provisions".

he declared, "there never existed so happy an opportunity for Great Britain to strike a bold stroke for the rescue of the world. . . . Bonaparte has hitherto run a most victorious race. Hitherto he has had to contend against princes without dignity, and ministers without wisdom.[1] He has fought against countries in which the people have been indifferent as to his success; he has yet to learn what it is to fight against a country in which the people are animated with one spirit to resist him. . . . I solemnly declare, that if the opportunity . . . of a vigorous interference on the part of England should arise, the present administration shall have from me as cordial and as sincere a support as if the man whom I most loved were restored to life and power."[2]

These patriotic words evoked no response from the opposition benches. If, however, less independent Whigs preserved a discreet silence in Parliament, their private correspondence was emphatic in its condemnation of French aggression in Spain. To Horner the contest seemed to be between freedom and militarism, between "a vast regular army and an enthusiastic people. This is indeed the very crisis of the fate of Europe, and the event (either way) will perhaps be the most decisive test of the genius and effects of the French Revolution. The one result would revive our original persuasion, in its first ardour, that the people are not to be subdued by foreign troops, unless the love of their country is lost in a contempt of their Government. The other would sink me in final despair of ever living to see prosperity or liberty again in any part of Europe . . . and ages more of darkness and idleness might protract the shame and misery of Europe."[3]

[1] In this category Sheridan included the English Cabinet: "The ministers of England have pursued a petty policy; they have gone about filching sugar islands, and neglecting all that was dignified and all that was consonant to the truly understood interests of their country".

[2] June 15, 1808. *Parl. Deb.*, xi. 888-9. The reference is to C. J. Fox.

[3] July 8, 1808. *Memoirs and Correspondence of Francis Horner*, i. 454.

While all Whigs were united in their detestation of the invasion of Spain, there was from the very commencement of the struggle the widest division of opinion as to the probable success or failure of the patriots. After the victories of the Spaniards in the summer of 1808, some believed that Spain was "quite secure from ultimate subjugation by France, even if large French armies should once more penetrate the country, and gain general battles".[1] The spirits of others rose and fell in proportion as the news from the Peninsula was good or bad.[2] Many, on the other hand, doubted from the first. Auckland, in his letters to Grenville, perpetually bewailed the inevitable disaster he expected. "The true state of our prospects is far gloomier than the gloomiest of our speculations and predictions. . . . I confess that I begin to fear that both Spain and Portugal will fall. . . . Our affairs in Spain are growing perilous, and hurrying to their catastrophe with a rapidity even beyond the fears that I have so long and so often expressed to you. . . . I am perverse enough to despair more than ever."[3]

However the special mouthpieces of the croakers were Brougham[4] and Jeffrey. In a letter to Grey, Brougham sarcastically describes the prevalent idea that the French would easily be expelled from the Peninsula, and the Bourbons restored to France by a fifth coalition. "I verily believe at this moment there are scarcely ten men in London who would give Bonaparte £100 a year of half pay to retire to Ajaccio. . . . So incurable a malady is hope."[5] In the *Edinburgh Review*, Jeffrey set himself the

[1] Oct. 27, 1808. *Memoirs and Correspondence of Francis Horner*, i. 462.

[2] The changes of opinion are admirably illustrated in the *Correspondence of Sarah Spenser, Lady Lyttleton*, 17, 24, 29, 33-4, 45, 48, 51, 59.

[3] Aug. 4, Sept. 16, Nov. 18, Dec. 17, 1808. *Dropmore Papers*, ix. 210, 215, 243, 250; *cf. Memoir of Sydney Smith*, ed. 1869, pp. 313, 315-16.

[4] Holland explains Brougham's pessimism by stating that he "had written himself into a persuasion that everything which postponed peace must terminate in disaster". *Further Memoirs of the Whig Party*, 14-15.

[5] July 2, 1808. *Life and Times of Brougham*, i. 405. This pessimism was not at this time shared by all Whigs. Grey wrote to rebuke Brougham: "Even

congenial task of curing this malady. Hitherto, he argued, "the Spaniards have not yet tried their strength against their formidable adversary. They have attacked him unawares, and beaten him by surprise. . . . He will rally and renew the combat. . . . The enthusiasm of the patriots has to contend against the regular, habitual, animal courage of professional soldiers. . . . Such are the grounds of our melancholy forebodings, that it will lead to the subjugation of the most gallant people in the world."[1] The opposition was similarly divided on the correct way to assist the Spaniards. Most agreed in condemning the Cabinet for despatching the British army to Portugal, but here their unanimity ended. One section thought that our forces ought to have been sent to Northern Spain, the other that we should confine our efforts to supplying arms and money to the insurgents. Jeffrey, who believed himself to be as infallible a critic of strategy as of literature, was the foremost advocate for the first plan.

"Had such a force as England could raise," he urged, "had an army of 60,000 or 70,000 men been ready to land in Spain when Dupont surrendered, and Joseph fled in confusion from Madrid, who shall say that the whole remains of the French army in Spain would not most probably have been overpowered, and the Peninsula swept clean of its invaders? But no such thing. The truly British policy was steadily persevered in. A fine army of 35,000 men was sent to Portugal—as far as possible from the scene of real action. . . . The Spaniards are fighting the battle of Spain and of Portugal, as well as of

if my own hopes were less sanguine, I would willingly deprecate you from using such language publicly. To assist the Spaniards is morally and politically one of the highest duties a nation ever had to perform. And to check those feelings whose operation is of so much importance to the success of our attempt may do great mischief, but cannot by possibility produce any good." Sept. 29, 1808. *Life and Times of Brougham*, i. 413-4.

[1] Oct., 1808, p. 219. For the authorship of this article, see Cockburn's *Life of Lord Jeffrey*, i. 189-93, 421.

all Europe, in the north : they are almost overwhelmed by their enemies : a reinforcement of their strength may decide the day for them. But, unfortunately, there happens to be a detachment of the French cooped up in Portugal. . . . It is to this wretched outpost of the French power that all the efforts of England are pointed. . . . It is the very same blunder, or rather the same narrow, interested method of starving the common cause, for fear of being greatly defeated, and for the lucre of gaining a few British objects . . . Let us not deceive ourselves; we have done all that lies in our power for the ruin of our Allies. With the phrases of justice and generosity on our lips, our hearts have been filled with coldness and selfishness. With the cry of helping to put out the fire on the Continent, we have been caught in the act of pilfering for ourselves . . . and are now, perhaps, about to be soundly beaten."[1]

It is probable that a majority of Whigs agreed with Jeffrey, but the supporters of Lord Grenville took a diametrically opposite view of the situation. That nobleman argued that we should have been content to furnish the means to enable the Spaniards to pursue their "system[2] of partial attacks, without incurring the risk which must necessarily attend a pitched battle with regular and veteran troops". By sending a British army into the interior of the country we had forced the Spaniards to abandon the methods of warfare most suited to them, and exposed them to defeat in important engagements. Our intervention had thus been actually injurious to the Spaniards. He finished with an emphatic declaration that if the Government continued to maintain "the whole armed force of the country" in the Peninsula, "the destruction of this Monarchy is inevitable, and we shall

[1] Oct., 1808. *Edinburgh Review*, 231-4. This article led to the production of the *Quarterly Review*.

[2] Described in a paper called "Precautions," *Annual Register*, 1808, 333-6; *cf.* Wordsworth, *Convention of Cintra*, ed. 1915, 16-17.

soon be reduced to the same condition with Prussia and the conquered States of the Continent."[1]

The events of the first years of the war seemed to justify both those who deprecated sending troops to Spain and those who believed that the rising would soon be quelled. Pride in Wellesley's success at Vimeiro was speedily damped by the Convention of Cintra. Byron adequately sums up the general disgust:—

> "Convention is the dwarfish demon styled
> That foil'd the knights in Marialva's dome:
> Of brains (if brains they had) he them beguiled
> And turn'd a nation's shallow joy to gloom.
> Here Folly dash'd to earth the victor's plume.
> And Policy regain'd what arms had lost."[2]

In unpolished prose St. Vincent also denounced the Convention. English transports, he declared, were "employed to convey the rascally ruffians whom Junot commanded to that part of France which was nearest the boundaries of Spain . . . so that those devils are at the moment harassing the rear of our retreating army."[3] Grey hoped to win a political victory: "There can be but one sentiment with respect to the Convention, and I believe there has never existed a case in which the public feeling was so generally and so strongly excited. It is therefore an opportunity of attack too favourable to be neglected. But that it will overset the Administration I am not sanguine enough to believe."[4] Napoleon's triumphant advance to Madrid and Moore's hurried retreat caused further lugubrious lamentations. Jeffrey confessed that he had "despaired utterly from the beginning, and do not expect that we are ever to see 10,000 of our men back

[1] Jan. 19, 1809. *Parl. Deb.*, xii. 13-21.

[2] *Childe Harold*, I. xxv.

[3] Jan. 19, 1809. *Parl. Deb.*, xii. 7; *cf. Dropmore Papers*, ix. 214, for a similar criticism.

[4] Sept. 29, 1808. *Life and Times of Brougham*, i. 410.

again—probably not 5000. The prospect is monstrous."[1] Thomas Grenville wrote in a similar strain: "Undoubtedly it is evident that Moore must be overpowered, for after the present reinforcement, as we have no more to send, and even a partial defeat of Soult's corps must ultimately end in our being trampled over by superior numbers; yet having once committed the gross error of sending an English army into Spain, our Ministers see nothing left for them but desperately to persist in the folly that they have once committed, and to nurse in the public mind the inconsiderate and womanish enthusiasm to which they have abandoned themselves."[2]

After Corunna, there was at first some division of opinion as to the line to be followed. The Marquis of Buckingham attributed the "most extraordinary advance to Sahagun," followed by "a retreat so precipitate," to the "extreme indecision of Moore's character".[3] Moore seemed in danger of anticipating Wellington as the target for opposition squibs. Subsequently, however, the General became a Whig hero and the blame was transferred to the Government, for sending "a British army into the heart of the Peninsula, without any one earthly object, except to march so many leagues towards certain destruction, and to furnish a few empty boasts about ministerial activity and vigour".[4]

It is obvious that the Whigs did not become the zealous defenders of the dead General because they appreciated the greatness of his achievement. In a resolution Grey moved, Moore's campaign was stigmatised as "an enterprise without plan, combination, or foresight, and equally ill-timed and misdirected".[5] The same statesman looked

[1] Dec. 6, 1808. *Memoirs and Correspondence of Francis Horner*, i. 466; *cf. Life of Lord Jeffrey*, i. 193-4.

[2] Jan. 5, 1809. *Dropmore Papers*, ix. 273.

[3] *c.* Jan. 25, 1809. *Ibid.*, ix. 273.

[4] Oct., 1809. *Edinburgh Review*, 231.

[5] *Life and Opinions of Earl Grey*, 222.

upon the establishment of the Bonapartist dynasty in Spain as certain:[1] Auckland thought we could not now save even Portugal from subjugation.[2] Moira, the military expert of the Whigs, after a tribute of gratitude to Moore's memory, asked "how it happened that so heavy and lamentable a loss should have been sustained, without any one object having been effected, except the embarkation of the army? What! did our troops go to Spain only to make their escape? . . . British blood and treasure . . . had been sacrificed to no purpose, and without in the least assisting the great cause which the country had been pledged to support. Thus were we doomed to witness the extinction of our hopes in Spain, and with them we could expect nothing but the extinction of every hope of continental alliance and co-operation. After the conduct we had displayed towards Sweden and Spain, we could expect nothing but a general confederacy against us. To what but the ignorance and incapacity of ministers were all these calamities to be attributed?"[3]

Lord Holland, whom his friends derided as suffering from "a sort of Spanish fever," seems to have been the only Whig who gauged correctly the results of Moore's campaign. He appreciated to the full the value of Moore's advance to Salamança, but, like modern critics, blamed the General's procrastination. Notwithstanding, the relatively small progress the French had since made in the subjugation of Spain proved the importance of the diversion, and the perseverance of the Spaniards justified the despatch of another British force to aid them.[4]

The Government, like Holland, wisely believed that a British army was essential to assist the insurgents, and sent Wellesley back to Portugal. After brilliantly

[1] Jan. 29, 1809. *Dropmore Papers*, ix. 275; Nov. 22, 1809. *Life and Times of Brougham*, i. 477-8.

[2] Jan. 31, 1809. *Dropmore Papers*, ix. 275.

[3] Jan. 25, 1809. *Parl. Deb.*, xii. 134.

[4] April 27, 1809. *Dropmore Papers*, ix. 309.

defeating Soult at the passage of the Douro (May 12), Wellesley advanced into Spain, placing excessive confidence in promises of Spanish co-operation. At Talavera (July 27-28), he triumphantly repulsed the French, but the danger of having his communications cut by Soult forced him to retreat immediately to Portugal, and there he stood on the defensive for two years. The other military operations undertaken by the Government failed —that of Stuart in Italy through faulty design, that of Chatham against Antwerp through faulty execution.

When Parliament met, the Whigs made a series of determined attempts to turn out the Government. Rarely, if ever, has any Cabinet been subjected to such rhetorical vituperation. Henceforth, the Peninsular War ceased to obtain national support, and was carried on by the Tories alone in the face of the bitterest opposition. The methods of attack adopted by the Whigs were very varied. In the first place they minimised Wellesley's successes; some denied that he had obtained any. Grey dismissed the passage of the Douro as "nothing more than an affair of a rear-guard,"[1] spoke of the battle of Talavera as being as disgraceful as the Walcheren Expedition,[2] and opposed the vote of thanks to the Commander-in-Chief.[3] Brougham found an opportunity of venting his sarcasm against Wellesley:—

"A rare mistake of the French General, and the extreme gallantry of English soldiers, saved him from destruction, and even enabled him to repulse the enemy. . . . Too happy to escape with any troops at all, he left his sick and wounded to the vanquished French . . . and was driven out of the country which he came to save, by one army which he had completely beaten, and another which he had entirely destroyed."[4]

[1] April 27, 1809. *Dropmore Papers*, ix. 308.
[2] *Private Correspondence of the 1st Earl Granville*, ii. 355.
[3] Jan. 26, 1810. [4] Oct., 1809. *Edinburgh Review*, p. 232.

In Parliament one speaker stated that ministers only called Talavera a victory in order to have an excuse for creating Wellesley a peer, while another suggested that Wellesley fought merely in the hope of gaining a peerage. A third thought that "the real object of the march appeared to be to shelter the planners of the expedition from the charge of impotence and inactivity, and could be well illustrated by a passage in Hudibras, concluding with the lines,

> 'To put the rabble in a flame
> And keep their Governors from blame.'"[1]

In a different strain Byron moralised over those slain at Talavera:—

> "There shall they rot—ambition's honour'd fools!
> Yes, Honour decks the turf that wraps their clay!
> Vain Sophistry! In these behold the tools,
> The broken tools, that tyrants cast away
> By myriads, when they dare to pay their way
> With human hearts—to what?—a dream alone."[2]

Few of the opposition shared these views, but most thought even the defence of Portugal "a dream alone". "Portugal," said Grenville, "so far from being the most defensible was the least defensible of any country in Europe."[3] "We are reinforcing and defending Portugal, which to do is madness," wrote his brother.[4] "With all his heart and soul he wished the British army was safe out of Spain and Portugal," exclaimed Whitbread.[5]

Meanwhile Wellington had successfully baffled Massèna by his retreat to the impregnable lines of Torres Vedras, and forced the French to withdraw from

[1] Feb. 1. *Parl. Deb.*, xv. 283. The lines are misquoted from Part III., canto iii., lines 279-80.

[2] *Childe Harold*, canto i., xlii. [3] Feb. 22, 1810. *Parl. Deb.*, xv. 523.

[4] Jan. 10, 1810. *Court and Cabinets*, iv. 418.

[5] June 15, 1810. *Parl. Deb.*, xvii. 713.

Portugal with the loss of 30,000 men. The stand at Torres Vedras was the turning point of the war, for the safety of Portugal was now assured, and, as Wellington had foreseen, the subjugation of Spain was impossible so long as a British army remained in the Peninsula.

Nevertheless the Whigs could not, or would not, perceive any merit in Wellington's achievement. Sir Philip Francis, by his remarks upon this campaign, proved that age had not lessened the virulence of his Whiggism. "I acknowledge and confess," he wrote, "that it makes me sick to hear of the exorbitant praises heaped on a great General for the following achievements:—

"1. He beat the enemy with immense slaughter and enormous loss, and then ran away from him, without drawing bit, 120 miles.

"2. He ordered Coimbra to be evacuated, drove the inhabitants before him, and from that to Lisbon, laid the country waste, and ruined it to the utmost of his power, and this he calls *defending* Portugal.

"3. As soon as Massèna overtakes him . . . he solemnly affirms 'that he (Massèna) commands nothing but *the ground he stands on*, and that even there he cannot stay above three or four days; and that, if he stays longer, he must be starved outright . . . but the moment he raises the siege, and attempts to move off, you shall see wonders'.

"4. Nevertheless Massèna has made good his retreat."[1]

In Parliament the grant to maintain the Portuguese army was opposed on the ground that the whole resources of England would scarcely suffice to preserve its own integrity. Grenville, several months after Massèna's retreat, argued that Wellington's army did "not essentially contribute to help or save Portugal, while we vainly drain our own resources and risk our own safety".[2] Hutchin-

[1] Dec. 5, 1810. *Memoirs of Sir Philip Francis*, ii. 369.
[2] March 21, 1811.

son was equally gloomy: "I cannot conceal from the House my conviction that this contest, sustained in the manner in which we are now carrying it on, cannot fail to terminate fatally".[1] In private this pessimist deplored the resolution of the Cabinet to persevere. "Nothing, I think, is likely to change it but a great public misfortune, and then apprehension will do the work of reason."[2]

"Thy wish was father, Harry, to that thought."

It is clear that the Whigs had now entrenched themselves in Doubting Castle and rigorously excluded Hope. Throughout the years 1810, 1811, and 1812 they tried to force the Government to abandon the Spaniards by asserting that military success was impossible and economic ruin imminent. Even St. Vincent shared the doubts of his political associates. "The country is in that state, which makes peace inevitable," he stated; "it will be compelled to make peace, however disadvantageous, because it will be unable to maintain war."[3] Private conversation was as depressing as parliamentary oratory. Althorpe's sister noted that "wherever one goes one can hear of nothing but the first division in the House of Commons, the awful crisis of affairs, the gloomy prospects of the poor country, and all the other doleful stories which ever since and long before I was in the world have formed the daily talk of the poor inhabitants of London, who never consider that every year of their lives they have foretold that before the next we shall be a province of France's".[4] The Whig newspapers were no more cheerful. The *Morning Chronicle*, wrote Lady Bessborough, "too dull to be read at other times, expands at the prospect of any disaster; give but the hope of a failure in an

[1] June 7, 1811. *Parl. Deb.*, xx. 545.
[2] Aug. 14, 1811. *Memoirs of Sir Philip Francis*, ii. 372.
[3] Jan. 23, 1810. *Parl. Deb.*, xv. 8.
[4] Jan. 22, 1810. *Letters of Sarah Spencer, Lady Lyttelton*, 93.

expedition or an army being lost, and it sparkles with wit from one end to the other".[1]

Occasionally a manlier voice protested against pacifism and urged that the continuation of the war was a sacred duty. "It is idle to sigh for peace," Horner told Jeffrey, "if it is not to be had upon system, and for a period to be sure of. England forms a part of Europe, and must share its vicissitudes and agitations. . . . In my judgment, we have only to act upon the principles by which Elizabeth was guided, and afterwards King William; forbearing all little bye-objects of gain and aggrandisement, and keeping steadily in view, through all fortunes and in the lowest depths of our despair, the ultimate partition of the Continent into independent States, and the revival of a public law in Europe."[2]

In his reply Jeffrey acknowledged that he still hankered after peace, "chiefly, I own, out of fear, and out of despair; not very noble motives either of them, but pretty powerful, and well calculated to have weight with the prudent. . . . As to foreign affairs, I own I make up my mind to see everything subdued by France on the Continent; and, therefore, I do not agree with you that any new usurpation or plans of conquest there, should be allowed to break a peace once concluded. . . . The beneficial chances of peace are obvious; and I would rather take them with all the hazards, than persist in our present downward course."[3]

Jeffrey was merely enunciating the orthodox Whig policy, which was that England should abandon her Allies and leave Europe to its fate. On the other hand, the Tories were convinced that Europe suffered more than England from the continental system, and would ultimately be encouraged by our example to cast off the

[1] ? Sept., 1809. *Private Correspondence of the 1st Earl Granville*, ii. 347.
[2] Jan. 18, 1811. *Memoirs and Correspondence of Francis Horner*, ii. 48-52.
[3] Jan. 25, 1811. *Life of Lord Jeffrey*, i. 194-5.

yoke. Until this war of liberation began, they meant to persevere with the war in Spain, which they rightly regarded as their fittest contribution to the common cause. These fundamental differences, apart from personal questions, ensured the failure of the attempts to form a Coalition Government in 1811 and 1812, because Grenville and Grey declared that they regarded the vigorous prosecution of the Peninsular War as a matter "not of principle, but of policy,"[1] and because there was a general suspicion that the first consequence of their advent to office would be the recall of the British army in Spain.[2]

Fortunately the discord of politicians in England did not disturb Wellington's strategy. Throughout 1810 and 1811, he steadily maintained his ground against vastly superior odds, and thereby prevented the French from consolidating their hold upon the districts they occupied. His task became easier in 1812 after the withdrawal from Spain of veteran French troops to stiffen the ranks of the huge army preparing to invade Russia. But the incalculable value of these two years of patient warfare was ignored by the Whigs, who still complained that "it was impossible to conceive less done with such ample means than that which Lord Wellington had achieved," and that the war was continued solely "to support bigotry and despotism".[3] Napoleon, on the other hand, was becoming anxious to rid himself of this ceaseless strain upon his resources, and tried to accomplish by diplomacy what he had failed to effect by force of arms. Accordingly he offered to withdraw the French armies from Spain provided that Great Britain would recognise Joseph.

Few modern historians have doubted the wisdom of

[1] May 24, 1812. *Annual Register*, State Papers, p. 363.
[2] *Further Memoirs of the Whig Party*, 118.
[3] Feb. 22, 1812. *Parl. Deb.*, xxi. 873, 875.

the Tories in rejecting this insidious proposal. Contemporary Whigs thought otherwise. An article in the *Edinburgh Review*, implied that we should accept Napoleon's offer. Unwillingness to recognise Joseph arose only "from childish dislikes and effeminate prejudices against Houses". Our treaties with Spain and Portugal could be set aside as mere "pretexts and occasions for justifying" the continuation of the war. The people of England were coming "more and more to their senses about victories and balance of power, as money grows scarce, and the tax-gatherer comes his ceaseless round". Popular discontent had just forced the Government to withdraw the Orders in Council, it would soon compel a general peace.[1]

On the contrary, the news from the Peninsula made the people of England more warlike. Wellington now abandoned his defensive tactics and boldly assumed the offensive. In January and April he captured the great fortresses of Cuidad Rodrigo and Badajos, and in July overwhelmed the French at Salamança. For a moment hope ran high, and Grey seems to have dimly realised that such a victory might encourage the Russians to resist Napoleon and change the whole course of the war in Spain.[2] When, however, it was known that Wellington had failed to capture Burgos and had once again retreated to the Portuguese frontier, despondency recovered its power. While a few criticised the Cabinet for not supporting Wellington adequately, the majority agreed that the deliverance of Spain was "beyond the utmost means of this country".[3] According to Burdett the results of the campaign were "disaster and defeat";[4] in Grey's opinion we had done nothing to accomplish our object.[5]

All was changed in 1813. It was idle for the Whigs

[1] July, 1812, pp. 232-4. [2] *Life and Opinions of Earl Grey*, 319.
[3] Nov. 30, 1812. *Parl. Deb.*, xxiv. 45.
[4] Dec. 7, 1812. *Ibid.*, xxv. 208. [5] March 12, 1813. *Ibid.*, xxvi. 83.

to croak after Wellington had routed Joseph at Vittoria and had invaded France. Votes of thanks and grants of money passed without a dissentient voice. Whitbread, with a candour rare among politicians of any age and unique among those of his own generation, acknowledged that the Government deserved "great credit . . . for the great and steady confidence which they placed in the talents and genius of our great commander, the Marquis of Wellington".[1] His colleagues sat mute. Some groaned in private over the increased strength imparted to the Tory Government by Wellington's victories, but no one dared to utter such sentiments in Parliament.[2]

The discomfiture of the Whigs was complete. They had elected to treat the Peninsular War as a party question, and the challenge had been eagerly accepted. A Tory noted in his diary: "We want nothing more than to stand or fall, with the world and with posterity, by a comparison between this wise as well as generous line of politics, and that proposed by our opponents".[3]

It is probable that the exclusion of the Whigs from office for forty years, with two brief exceptions, partly accounts for their reckless criticisms. More important was the absence of a recognised leader. The death of Fox in the autumn of 1806 was a national misfortune, for he alone might have prevented the adoption of pacifism. During his foreign secretaryship he had atoned for his previous unpatriotic attitude towards the war, and had realised on his deathbed the impossibility of concluding peace with Napoleon.[4] His successors subordinated foreign to domestic politics, and exalted Catholic Emancipation and Parliamentary Reform above the deliverance of Europe. They believed that the French armies would

[1] Nov. 4, 1813. *Parl. Deb.*, xxvii. 39.
[2] *Life and Times of Brougham*, ii. 78-9.
[3] March 18, 1811. *Memoirs of R. P. Ward*, i. 406.
[4] *Memoirs of the Whig Party*, i. 257-8.

ultimately prove as invincible on land as the British navy at sea, and regarded a successful battle as a mere postponment of the inevitable. Their enthusiasm for the Spaniards rapidly waned when it became evident that they were fighting solely to expel the French and not for constitutional liberty. As early as August, 1808, Cobbett wrote[1] that the war appeared "to be not for freedom from oppression, not for the purpose of keeping out a conqueror, not for the rights of the people, but merely for a choice of despots. . . . What signifies it to a Spaniard, whether his dinner be taken from him by order of Joseph Buonaparte, or by order of Ferdinand VII? Why, the man that will fight for the sake of a choice between the two must be a downright brute".

This contempt for a people fighting for national freedom, as distinct from individual rights, influenced the Whigs and Radicals more strongly as the struggle proceeded. By 1814 it had so biassed their judgment that they denied the Spaniards any credit at all for the successful issue of the war. The *Edinburgh Review* went so far as to assert of Spain that "no country ever did so little for itself under circumstances of such excitement and encouragement. It has been liberated entirely by British valour and British enterprise."

This ungenerous estimate of the efforts and the sacrifices of the Spaniards was accepted by the Whig historian of the Peninsular War. Napier's volumes were written for the glorification of the British, the exculpation of the French, and the condemnation of the Spaniards. His unfairness has been exposed in the most recent *History of the Peninsular War* and in the *History of the British Army*. Both works conclusively demonstrate that Wellington was largely indebted to the noble perseverance of the Spaniards, often defeated, never subdued. The British army and the Spanish levies were inter-dependent forces,

[1] *Political Register.*

both essential for the deliverance of the Peninsula. Had Wellington been recalled, or had the Spaniards abandoned the struggle, Joseph might have established a new dynasty at Madrid, and Napoleon might have continued to treat Europe as a conquered nation.

SCIENCE IN THE HISTORY OF CIVILISATION

By Professor Sir R. A. GREGORY, F.R.A.S.

Read April, 10, 1919

The history of science may be approached from two points of view. It may be regarded purely as growth of knowledge of natural objects and phenomena along the corridors of time, or it may be viewed selectively according to its influence upon social and economic conditions. Knowledge becomes power only when it is used. To trace the development of any particular aspect of it in scientific fields is the work of the specialist, but it is not until discoveries and the inventions to which they lead can be recognised as transforming factors in civilisation that the historian of human society is much concerned with them.

Hitherto these two provinces have been surveyed by different groups of students, and only occasionally have the qualities required for the effective description of both been possessed by a single worker. The interests of the man of science are in the knowledge itself, whereas those of the historian are usually in the conditions which promote or retard it and the peoples which neglect or use it. The result is that we have on one hand histories of astronomy, chemistry, biology, and other branches of natural science, none of which discusses the relation of the knowledge to social conditions or effects, and on the other histories of countries and periods giving scant attention to scientific genius and its influence upon human life and institutions.

What is pleaded for in this paper is a closer co-

ordination of these separate points of view in works on general history. No one now supposes that a descriptive catalogue of kings and their courts and governments constitutes the history of a country. The determining factors in social development may be rulers or governments or peoples or scientific knowledge; and the power exerted by these respective influences decides the extent and character of the national or international changes effected. Just as, in mechanical science, work is not considered to be done until the point of application of the force is moved, so history is being made only when the power used produces an effect. Regarded in this way, science in the history of civilisation becomes a study of scientific causes and human consequences, and not a continuous chronological record of the growth of natural knowledge.

It is not pretended that there is anything particularly new in this point of view—at any rate not to historians generally, however it may be to chroniclers of progress in different branches of natural philosophy. Voltaire in his *Morals, Manners, and Ancestors of Nations*, Buckle in his *History of Civilisation in England*, Lecky in his *History of the Rise and Influence of the Spirit of Rationalism in Europe*, and other historians have described the action and reaction between scientific knowledge and social life. In recent years similar co-ordination of this knowledge with social developments has been successfully traced by Mr. and Mrs. Whetham in their *Science and the Human Mind*, and by Mr. F. S. Marvin in his two stimulating books, *The Living Past* and *The Century of Hope*. Little heed is paid in those works to the intrigues of courts, changes of ministers or fates of kings, but endeavours are made to discuss and develop the different epochs through which man has passed in ascending from barbarism to civilisation, and to show the intimate connection between the study of the external world and the rise or fall of great social movements.

A general principle of ethnology is that all peoples and races go through the same course of development, from the barbarians of the lowest order to the highest cultured nations. This principle must, however, be limited to peoples developing under like conditions. In Nature, an organism has to be adapted to its environment in order to survive and carry on its type. The conditions and requirements of life differ in different parts of the world and determine both the course and rate of development. Were these factors everywhere the same, it would be possible at any epoch to construct a table in which the stages of development of civilisation could be represented in an unbroken series by examples from existing peoples and races; but they are not. If there is a law of the succession of civilisation, it has yet to be discovered. An intricate pattern is presented to us, and we have to resolve it into its elements to discover the threads of which it is made. Here and there the marks of scientific discovery and invention stand out clearly, but often in the history of civilisation the threads are below the surface and other motives are predominant in the web.

What is wanted is a history of civilisation as a process which began under definite conditions and developed in different directions in different parts of the world. History should be the science of anthropological evolution, and deal of course with man's mental and social development as well as his physical. It is the most complex of the sciences of evolution, but its foundations are capable of the same intensive study with the object of discovering its laws to guide the present and forecast the future.

With such an intricate organism as man, it is impossible to find a simple formula to express his actions and movements, though many attempts have been made to do so. The causes of the evolution of society and of modern civilisation, according to the late Mr. Benjamin Kidd, are

to be found, not in the growth of intellect and science, but in the continuous action of religious beliefs. Societies and civilisations are held in his *Social Evolution* to have prevailed in the struggle for existence in proportion as they have been efficiently organised, and this organisation has always rested on some form of religious sanction. The doctrines of caste, of class, of the divine right of kings, of subjection to popes and bishops, have been powerful in welding together tribes and peoples, have checked the supremacy of brute force, and have effected that subordination of the many to the few which was essential to the production and accumulation of wealth, to the growth of the arts, and to the firm establishment of that national unity which is the most important factor in the growth of civilisation. This was held by Mr. Kidd to be the function of religion in the early development of European civilisation, but during the last two or three centuries its influence has been exerted mostly on the ethical side; and the corresponding increase of altruism has promoted the political and social enfranchisement of the masses of the people which marks the progress of European civilisation.

It was pointed out, however, by the late Dr. Russel Wallace, that this doctrine of progressive ethical impulse, as the fundamental factor of social evolution, does not explain how the rude struggles of the 2000 years terminating in the sixteenth century could have had any tendency to increase and develop the altruistic and ethical sentiments which have possessed races in the struggle for existence. Neither in Greece nor in Rome, at the periods of their greatest intellectual splendour, was there any such development of these qualities. All the processes of natural selection in the days when might was right, when violence, cruelty, and rapine held sway over Europe, would seem to have tended to the extermination of the possessors of humane feelings and an altruistic spirit, not to their preservation and increase. Yet nothing

is more certain than that they now prevail to an extent never before known, and if they have not been developed by selection they must have been inherent in the race, developed perhaps at some earlier period, and have lain dormant until a more peaceful and more intellectual epoch called for their manifestation.

It is environment that determines the rate of growth of faculties or structures. The brain capacity of Egyptians 5000 years ago is comparable with that of the average civilised man of the twentieth century, but it was not used in the same way because the needs were different. Labour was cheap and power was in the hands of priests and kings who kept to themselves the knowledge required to fix the times of religious festivals and agricultural operations. Out of the knowledge thus guarded arose the sciences of astronomy, mechanics, and geometry. The beginnings of science in Egypt were thus purely utilitarian, whereas at a later period in Greece it was largely metaphysical and depended upon abstract reason rather than direct observation and inquiry. Impressed with the belief that the senses were deceptive the Greek philosophers, with a few brilliant exceptions, devoted their attention to dialectics and speculation and cared little for physical causes, otherwise the history of civilisation would have been profoundly changed.

When, after Aristotle, investigations in the domain of natural science came to be considered less worthy of attention than speculations by philosophers into the soul, increase of knowledge of the nature of things began to decline. Archimedes devised some of the experimental methods of modern physics, but from his time to that of Leonardo da Vinci there was almost a gap in the history of this kind of investigation. Aristarchus of Samos taught in the third century B.C. that the earth moves round the sun annually, yet it was not until more than 1700 years later that this doctrine began to influence human thought through the work of Copernicus and Galileo. How little

attention is given to this subject in works on general history, yet how profound was its intellectual and social effects!

The advance of medical science was retarded for many centuries by the ban placed upon the dissection of the human body. Though this had been freely done by the Egyptians while preparing and embalming the bodies of the dead, it was forbidden alike by the laws, customs, and religion of the ancient Greeks and by the creed of Mohammed, and from the time of Hippocrates (450 B.C.) until about the end of the thirteenth century the study of human anatomy made no progress. The human race paid the penalty of this tyranny of tradition by its sufferings and sacrifice through plague and pestilence and noisome disease.

On the material side, no doubt some of the inventors of ancient times exhibited great mechanical ingenuity, but there was almost an entire absence of what we now call experimental investigation. The method of experimental science of the modern type is not more than three hundred years old. In the preceeding thousand years of the dark ages there was little progressive knowledge, and mankind occupied itself with fasting and praying and fighting, with minds polarised by dogma and tradition and spirits satisfied with grotesque explanations of natural objects and phenomena. Legends and old women's tales were collected and discussed with little consideration of their natural truth or meaning. In the whole of Greek science not half a dozen experiments to test the truth of a statement are recorded, yet right to the seventeenth century the words of the Greek philosophers were considered sufficient to confute the observed facts of experimenters and others who saw Nature face to face.

During the period of intellectual stagnation in Europe after the destruction of the Alexandrian Museum by Bishop Cyril, in 415 A.D., science migrated to Persia, and

for six centuries the Arabs were in the van of civilisation. When the cities and towns of Europe were "pestilential gatherings of hovels, huts and thatched houses, built of timber and mud," the streets of the great cities of the Arabian Empire were paved and lighted and unrivalled for beauty, luxury and comfort, thanks to the enlightened attitude of the Arabs towards science and learning. "In contrast with this, and during the best part of a thousand years, Christendom was more or less over-shadowed by monkish theology, and the Church persecuted learning, regarding it as the work of Satan. . . . It was only after returning from the Crusades that the kings and barons, who had seen the luxury of the East, began to awake from their coarse usages, and introduce slight improvements in their customs."

At a very early period the Hindus appear to have attained great proficiency in the manufacturing industries, which must have rested on a good practical knowledge of chemical reactions. In pharmacy, in dyeing, in the manufacture of perfumery and cosmetics, complicated chemical operations appear to have been carried out even before the time of Buddha, about 500 B.C. The absence of reference to such operations in the literature of the period is explained by the fact that the chemical industries were exercised by a despised caste, the labours of which were deemed unworthy of description by the Brahmins, or priests, who alone understood the art of writing. It would be easy to give examples of the same attitude towards science shown by our own historians.

By the study of Hindu texts, from pre-Buddha times onward, this knowledge has been rescued from obscurity. The alchemists of Western Europe owed much of their learning to the Arabs, who derived many of their ideas from the Greeks. Sir P. C. Ray, however, gives weighty evidence in his *History of Hindu Chemistry* that the Arabs were even more indebted to the Hindus. In the eighth century, the Caliphs of Baghdad ordered several

of the medical works of India to be translated, and both then and later learned Arabs were sent to India to study science.

The connecting link between the Arabs and the revival period in Europe was Roger Bacon, who in the thirteenth century taught the value of experimental method. In the bold appeal which Roger Bacon made to experiment and the observation of Nature, he stood out as the champion of unfettered inquiry in a period of scientific stagnation, and he suffered persecution, banishment, and imprisonment for his temerity.

Francis Bacon is sometimes called the Father of Experimental Philosophy, but it may be doubted whether he merits the title; indeed, he disregarded in his own works the very principles of scientific investigation expounded by them. His influence in establishing the inductive process of inquiry is often over-estimated, and he owes his prominence to the fact that his works appeared at the right psychological moment, when the age was ripe to receive a new philosophy. Three centuries before the time of Francis Bacon, the main doctrines he promulgated had been proclaimed by Roger Bacon, and not only announced as articles of scientific belief but also followed in practice.

The ancients used only two methods of investigation—the philosophical and the mathematical; the third method, by experiment, was put into deliberate practice by Galileo and others of his time. By offering experimental evidence against what was believed to be the teachings of Aristotle, Galileo established the modern experimental method of inquiry in Nature. The authority of Aristotle as the arch-priest of natural science had been questioned before the time of Galileo, but no attempt had been made to confound it with truths secured by direct appeal to Nature, and Galileo suffered for doing so.

The spirit of truth-seeking represented by Galileo opened an era of moral and intellectual progress, and

freed people from the dominance of doctrine and superstition. Nature, like the Bible, became an open book for all to read and try to understand. Yet how few people take advantage of the opportunity, or appreciate the spirit and service of those who do. It is common to condemn the Church of Rome for its persecution of Galileo and its burning of Bruno, but had the Salvation Army or a council of politicians possessed the same power in those days, they would probably have been just as active in crushing what was believed to be pestiferous teaching for which the people were not prepared and which was, therefore, a danger to the State.

It is the scepticism of science which, as Buckle has shown, is responsible for the growth of knowledge and its effects; and opposed to it has always been blind and unhesitating credulity combined with comforting faith in the wisdom of the fathers. Even in our own days there are people who regard science as a disturbing element in human affairs, and sigh for the simple life away from the restless spirit of inquiry into all things visible and invisible in the universe. Mr. George Gissing stated this prevalent view in his *Private Papers of Henry Ryecroft*, when he wrote, "I hate and fear science, because of my conviction that, for long to come, if not for ever, it will be the remorseless enemy of mankind. I see it destroying all simplicity and gentleness of life, all the beauty of the world; I see it restoring barbarism under a mask of civilisation, I see it darkening men's minds and hardening their hearts; I see it bringing a time of vast conflicts, which will pale into insignificance 'the thousand wars of old'; and, as likely as not, will whelm all the laborious advances of mankind in blood-drenched chaos. To rail against, it is as idle as to quarrel with any force of nature. For myself, I can hold apart, and see as little as possible of the thing I deem accursed. But I think of some who are dear to me, whose life will be lived in the hard and fierce new age."

Gissing hated and feared science because of its power, but science must not be held responsible for the barbarisms perpetrated in its name any more than Christian doctrine can be condemned for the excesses of its zealots. When the Germans first introduced poison gas into warfare, the popular impression was that they had invented a gas for this purpose. As a matter of fact, chlorine, which was the first gas used, was discovered by a poor Swedish apothecary, Scheele, in 1774, and was used for more than a hundred years in the manufacture of bleaching powder before the Germans brought it into the field of battle, and seemingly justified Gissing's prediction. Sulphuric acid (oil of vitriol) has hundreds of applications in the arts, yet it can be used also for criminal purposes by vindictive people. Chloroform is a blessing to suffering humanity, yet it can be used to commit a robbery. Thermit—consisting of powdered aluminium and oxide of iron—was produced to obtain a high temperature for welding metals, but it is also used in incendiary bombs. Will you abolish the making of fire because children burn themselves with it, and enemies use it to destroy glorious buildings? Must the discovery of "villainous saltpetre" be regretted because it is an essential constituent of many explosives, forgetting that it is also a fertiliser which has greatly increased our crops of all kinds?

No: science must not be hated and feared because men use its discoveries for destruction: the responsibility is upon ethical and religious teachers. The search for truth, and the discovery of new substances and forces in Nature must not be impeded because mankind does not put them to worthy uses. What has to be done is to advance moral and ethical ideas to higher planes, so that new knowledge shall benefit the human race instead of being used to destroy it. Unless this is done, there will be an end of civilisation; for it is possible to conceive of a time when the forces at man's disposal will be so strong

that a hostile army and an enemy's city may be destroyed almost by the touch of a button.

Whether the world recognises it or no, all its material advance has been achieved by men of science. In the arts of sculpture and architecture, in literature, in philosophy, the position gained by Greece 2000 years ago remains the standard of excellence for the moderns, whereas the last fifty years or so have seen more additions to natural knowledge than all the ages before them; and the result has been not only advance in material welfare but also in intellectual outlook. Science has enabled man to uplift himself into the element of birds; it lights his houses and halls, gives him electric cars and other means of rapid locomotion, carries urgent messages by wire or wireless telegraphy, permits telephonic conversations at distances up to a couple of thousand miles, provides anæsthetics to suffering patients, X-rays to reveal our internal anatomy, drugs to relieve pain, photographs to preserve the features of our friends, and knowledge to prevent and fight disease.

In unscientific days disease, born in filth and ignorance, was something to be suffered and feared rather than to be studied. Uncivilised races do not believe in natural death; and if a man, however old, dies without being wounded, it is concluded that he must have been the victim of magic. When a savage is ill, he naturally attributes his sufferings to some enemy within him and to witchcraft putting the enemy there. It is a very common idea among the lower races that disease is something material, and hence that the simplest way of curing a patient is by transferring the disease to someone else. Thousands of victims were burnt alive in unscientific days because their supposed witchcraft was considered to be the cause of particular ailments of persons or diseases of communities.

Science has shown that a disease is just as definitely due to a particular cause, preventible or otherwise, though it may not tread closely upon the heels of action. Igno-

rance of the law may sometimes be pleaded in a court of justice in palliation of an offence; but Nature accepts no such excuses, and decrees a punishment for every crime against her. She never forgives a fault or extenuates it; inexorable is her judgment, and inevitable her sentence, which has often to be suffered not only by the offender but also by his children, even to the second and third generations.

Ignorance made plague the terror of Europe in the Middle Ages; science has proved that the disease is due to a bacillus which is conveyed by fleas from rat to rat, and from rats suffering from the disease to mankind. This most dreadful scourge was for centuries attributed to such sources as the conjunction of planets, iniquities of the Jews, or the special outpouring of divine wrath on account of human sin. Ignorance ascribed malaria to a miasma or bad air arising from marshy places; science has shown it to be caused by a micro-organism carried from one man to another by a certain species of mosquito. Ignorance of the cause of yellow fever made the regions around the Caribbean Sea the White Man's Grave, where the risk of death for the visitor was greater than in a battle; knowledge that the disease is associated with a parasite which is communicated from an infected to a healthy person by the bite of a particular mosquito, has been the means of converting the same places into tropical health resorts.

When nothing is known of the natural laws of a disease, mankind is helpless against it; but when science has discovered the enemy, a sound basis can be secured for a plan of campaign to exterminate it. Plague has to be fought by the destruction of rats where it prevails, as well as by better housing and sanitation; malaria and yellow fever have to be kept under control by the continual clearance of breeding-places of mosquitoes in infected areas. Administrative measures based upon the teaching of science have practically abolished plague from the cities

of Europe, have cleared Havana, the Isthmus of Panama, and the West Indies of yellow fever, and have made the Roman Campagna almost free from malaria, though formerly few men who went to the district could hope for more than three years of life in it.

Enteric and dysentery accounted for nearly one-half of the total losses by death from all causes during the South African War—and they are both largely the outcome of faulty surroundings. The organisation and equipment of the British Army as to disease prevention were then little better than they were 100 years earlier; and the penalty of neglect by the people in power was paid in lives of thousands of our soldiers. The wages of sin is death; and sin in this case was a neglect of nature's laws. Thanks to the adoption of scientific methods, the incidence of disease in the British Expeditionary Force has been far lighter than in any previous campaign. The magnificent results achieved by attention to the essential principles of sanitation and preventive medicine have disposed—we hope for ever—of the old saying, "Disease, not battle, digs the soldier's grave".

Material benefits and human comforts are not, however, the only fruits of scientific knowledge: they have been accompanied by intellectual expansion and social effects even more far-reaching. Before Galileo no man had seen more than a few thousand stars, yet now we know there are hundreds of millions shining in space—each a sun like that which illuminates our earth and other bodies in the solar system. Puerile ideas were swept away by this revelation, and the whole outlook of man was changed.

Science showed the existence and permanence of law in Nature, instead of a haphazard series of events controlled by an angry God or malevolent spirits, and this brought about, by its influence on man's thoughts, changes in religious and civil government which had the greatest civilising effects. "The substitution of the idea

of permanent law for that of daily supernatural intervention destroyed, though only gradually, but in the end entirely, the belief in witchcraft, evil spirits, necromancy and sorcery of every kind."

Through the influence of dogmatic teaching, the pursuit of scientific truth was absent in Europe for more than a thousand years—from the time of Augustine to that of Galileo or later—while absolute credulity was inculcated as a virtue and doubt punished as a crime. Truth, however, is strong and prevails in the end. The late Lord Salisbury once lamented that while the work of the statesman, the politician, the soldier, or the leader of men, however great and however fortunate, is of necessity but transitory, what is accomplished by one man being undone by another, the work of the scientific discoverer or inventor is everlasting. "Can it be questioned," recently asked Mr. Campbell Swinton, Chairman of the Royal Society of Arts, "that the discoveries of Archimedes have more effect to-day than the battles of Alexander or of Hannibal. Or, if we turn to modern times, can it be gainsaid that Watt and Stephenson, Davy and Faraday, have done more to change both the course of history and the material conditions of life than did Napoleon or Wellington, Walpole or Pitt?" It is in the same spirit that Prof. C. S. Minot remarks: "Compared with the growth of science, the shiftings of Governments are minor events. Until it is clearly realised that the gravest crime of the French Revolution was not the execution of the King but the execution of Lavoisier, there is no right measure of values."

In the great War we had to make use of the resources of science to save ourselves. If the necessary scientific aid had not been forthcoming, we should certainly have been overwhelmed by the Germans, and the clock of civilisation of the highest kind would have been put back several centuries.

It was gunpowder that freed the people from the

domination of the barons in the Middle Ages. The invention of gunpowder and the use of it by scientific appliances altered the political organisation of Europe. Cannon, the arm of royalty, destroyed feudalism: the castles of the barons could not hold out against powder and shot, and the aristocracy, ruled by a power superior to its own, ceased to wage universal war; while the musket, against which the armour was no longer proof, destroyed the ascendancy of the knight on the battlefield. Cavalry had to yield to infantry. Force thus passed from the hands of the nobility to those of the king and people; and in their hands it remains for good or ill.

The question for the future is how to use rightly the power which science gives to modern man; and how to make him aware of its historical significance. The scientific investigator who devotes his life to one particular field of research is in danger of losing touch with reality, but not more so than the historian who disregards the influence of science upon human affairs. A solvent should be applied to dissolve the membrane which separates the two spheres of activity and to permit them to intermingle. Prof. George Sarton, of Harvard University, has given particular attention to the construction of educational courses which combine science with history. Instead of teaching science as a jumble of isolated facts and theories, he proposes to introduce instruction upon the history of the development of science in all countries from the earliest time. The more important facts and theories of science would be unfolded to the student in the historical order of actual discovery. He would then find that advances were due not so much to some transcendent genius as to the general state of human knowledge when they were made. The next step forward being fairly obvious, any intelligent and well-educated man might have made the advance. It is believed that instruction on these lines could not fail to stir the minds of the learners to fruitful activity.

Prof. Sarton would have history taught as a story not of the vicissitudes of kings and their wars, but of the growth and organisation of positive knowledge and of its application to the material advancement of the peoples. Such descriptions would be completed by the history of civilisation, including law, religion, fine arts, social economy, and politics. History taught in this way is called "the new humanities," and to supply teachers for it the establishment of an institute for the history of science and civilisation is projected in the United States.

In our own country, dissatisfaction with the narrow field of science teaching in general is leading to the introduction of courses in which the humanising aspects of history and biography are combined with the practical study by which the meaning of experimental method is appreciated. Among the chief recommendations of Sir J. J. Thomson's Committee on the Position of Natural Science in the Educational System of Great Britain is one on the importance of increased attention to the history of science. It is suggested that such courses are particularly suitable for students not specialising in science, and that they might deal, not only with the history of specific branches of science of general interest, but also with the development of scientific ideas, the lives and work of scientific men, the bearing of scientific inventions on industrial progress, and the method and philosophy of science historically treated. Among the subjects which would come appropriately under one or other of these heads are historical considerations of the development of views on the constitution of matter; the conservation of energy; the doctrine of evolution; methods of transport by land, water, and air; means of communication, such as signalling, telegraphy, telephones; methods of lighting; and the schools of thought represented by Aristotle, Archimedes, Galileo, Bacon, and the later experimental philosophers. The view of the Government Committee is that courses of this kind would give special opportunities

to teachers who combine some knowledge of history with a knowledge of science, and should appeal to students with historical tastes.

The place of science in history is thus receiving increased recognition on the educational side, and also that of history in science. On the research side, many rich fields await exploration, for few have been the workers in it. Fortunately, a group of students working with Dr. Charles Singer in the Bodleian Library at Oxford is making most valuable studies of documents relating to the history of science, and the results will provide material by which an organic body of facts can be constituted. The first volume of *Studies in the History and Method of Science* is a notable contribution to the history of certain branches of medicine and evolution, and the second, now in the press, will deal with other aspects of science revealed by the investigation of original sources. In addition, a catalogue of scientific manuscripts in the British Isles, before 1500, is being completed and is in process of arrangement. When the series of volumes of *Studies* has been brought up to modern times, there will be available a group of monographs in the history of science from early times to the present day which will to some extent define the limits of what is substantially a new subject. The next step, and one which Dr. Singer has always in mind, is to initiate a comprehensive *History of Science*, in many volumes, by a number of experts, arranged on lines similar to those of the *Cambridge Modern History*.

The existence of this school of active workers at Oxford is an encouraging sign of increased interest in a department of history which has been much neglected. As an example of this neglect, it may be pointed out that not a single important work of that great genius—Roger Bacon—has been translated into English. Italy has her national edition of Galileo; France has produced, at the expense of her Government, two monu-

mental editions of the works of her national philosopher, Descartes; and even little Denmark has found a private patron to provide a magnificent edition of Tycho Brahe. Yet the writings of Bacon remain neglected, many of them unprinted, most of them in old or inaccurate editions. It is satisfactory to know that, through the advocacy of Sir William Osler and Dr. Singer, the great founder of modern scientific thought is to have his place in the history of science and civilisation made more widely known by work carried on by a group of earnest students at his *Alma Mater*. The lack of such material available for easy reference has perhaps been responsible for the general neglect of the power of science in the written history of civilisation. "No one," says Comte, "can be really master of any science unless he studies its special history, which again is bound up, at every step, with the general history of humanity." The purpose of this paper will have been fulfilled if research into the history of science, and description of its influence, are both combined to further the acceptance of this principle.

THE QUESTION OF THE NETHERLANDS IN 1829-1830

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In the year 1829 the disputes between the Northern and the Southern Netherlands were rapidly coming to a head.

It will be remembered that shortly before the Congress of Châtillon was dissolved in March, 1814, the Allies having found it impossible to make peace with Napoleon, a secret article in the Treaty of Chaumont provided that Holland was to receive an increase of territory, and be erected into a kingdom for the Prince of Orange. After the abdication of Napoleon the Definitive Treaty of Peace with France, signed at Paris on May 30, 1814, carried the settlement of the Netherlands a step further by a secret article defining the increase of territory which Holland was to receive. Flanders and the other Belgian provinces, which had been taken from Austria by the armies of the French Revolution, were now, together with the Principality of Liége, to be joined to Holland, and the united countries were to constitute a Kingdom of the Netherlands under the sovereignty of the House of Orange.

The Belgian provinces and the Principality of Liége had been in the possession of France for twenty years. The phrase "self-determination," so often used to-day, had not then been invented, but it would have passed the wit of man to discover the wishes of a people, partly Flemish and partly Walloon, which had been ruled at one time by Burgundy, at other times by Spain or

Austria, and latterly by France. In many places there were partisans of re-union to France. In other places union to Holland was desired. Everywhere there was an Austrian party. The Emperor Francis, however, had no wish to recover his Belgian provinces; and the Allies, whose aim was to lay the foundations of a lasting peace, and to prevent the corner of Europe lying between the Meuse and the North Sea from continuing to be a perpetual bone of contention between Germany and France, had decided to establish a Kingdom of the whole Netherlands. To consult the people of the Low Countries, even if some means of doing so could have been devised, would have been a mere form. Lord Castlereagh, therefore, proceeded to carry out the policy of the Allies without delay; and this was effected at London, later in the summer of 1814, by the "Treaty of the Eight Articles," which was accepted by the Prince of Orange as fixing the conditions on which the Southern and Northern Netherlands were to be united under his sovereignty.

These Treaties of Chaumont, Paris, and London gave effect to the policy of the British Cabinet, which had been privately settled some months before Napoleon fell, and built up the structure planned by Pitt in his day as a bulwark for England, and a safeguard against the outbreak of fresh wars on the favourite battlefield of Europe. The whole transaction was confirmed by the Congress of Vienna; and the Kingdom of the Netherlands took its place among the States of Europe.

By the Treaty of the Eight Articles it was provided, as one of the conditions on which the Prince of Orange was to receive his crown, that the union was to be an incorporating union, a fusion of the Northern and Southern Netherlands, and that there was to be a constitution giving complete civil and religious liberty to the subjects. The constitution, when the union was accomplished, was, indeed, eminently liberal and tolerant; but nothing was more noticeable in this fundamental law than the extensive

prerogatives which it bestowed upon the Sovereign. There were to be Ministers and a Council of State; but there was no provision that the Ministers were to be responsible for the executive acts of the Sovereign. If the doctrine of Ministerial responsiblity, so well understood in Great Britain, had formed part of the constitution in the Kingdom of the Netherlands, the course of events would probably have been very different, and the House of Orange might still have been reigning in the strong Barrier State set up by the Congress of Vienna.

On the other hand it may well be doubted whether the wisest of Protestant rulers, protected by the best of constitutional safeguards, could, at that stage of European history, have overcome the inevitable repugnance of the Catholic Church to the tolerant principles of the fundamental law; and with the antagonism of the clergy began those discussions between King William and his Belgian subjects which ended in the revolution of 1830. Before the constitution came into force the Belgian Bishops had protested against it, had spoken of their "surprise and grief," and had declared that religion and the liberties of the Church could not exist under it. "The proclamation of your Majesty," they said in one manifesto, "which announces liberty to all religions, and assures them protection and equal favour, has spread consternation in our souls."[1]

At first, however, things seemed to be going well. The King worked hard and lived simply. He grudged every hour spent on amusement. He had no time for the study of any form of literature except works on trade and international law. It was said of him that he thought the most humble writer on political economy a greater man of letters than Byron or Chateaubriand. He had seen, during his exile in England, before the fall of Napoleon, how industry and commerce were enabling

[1] Raepsaet, *Ouvres Complètes*, v. 301.

Great Britain to survive twenty years of war, and grow richer and stronger than ever; and he devoted himself to developing the resources of his own kingdom. To a great extent he succeeded; and the Belgian provinces shared largely in the new prosperity. Brussels grew wealthy by the manufacture of carpets, lace, and other articles of luxury. Antwerp carried on a lucrative trade with the Dutch colonies. At Ghent, cotton-spinning and weaving flourished. It was in the year after Waterloo that the King went into partnership with John Cockerill, and founded the famous ironworks of Seraing. Throughout other parts of the Walloon country, the fierce energy of the people, which in the past had so often been the cause of civil war, was usefully employed in the carpet factories of Tournai, the ironworks of Charleroi, and the coal mines which blacken the landscape for so many leagues round Mons.

Thus the King of the Netherlands, who came to the throne full of good intentions, was a benefactor of his country. Like the Emperor Joseph the Second, he wished to make the people of his Belgian provinces happy; but, like Joseph the Second, he tried to rule as a beneficent autocrat, and in a variety of ways laid himself open to attack. Still, in spite of complaints, the people were, on the whole, contented. The Belgian deputies, though frequently adverse to the King's measures, had no desire to break the union; and it was not till the Government passed financial laws which infringed the traditions of the country that there was an acute division of parties in the States General. Thereafter there was a regular Opposition. The attitude of the North now became aggressive, that of the South, defensive.[1]

The King's aim certainly was to make his people free and prosperous; but "Alone I did it" must be written over all. His character was a combination of sage ideas

[1] Nothomb, *Essai Historique et Politique sur la Revolution Belge* (4th ed.), i. 250.

and Dutch obstinacy; and one great root of bitterness between him and the clergy was the never-ending question of education. It was not that he wished to make the Southern provinces Protestant. But he was bent on raising the intellectual standard of the country; and for this purpose he founded the *Collége Philosophique* at Louvain, where the young priests were to receive a liberal education—a scheme which the Church resisted as it had resisted the *Séminaire Générale* of Joseph the Second, and with equal success.

Other measures alienated the people. Though the States General met alternately at The Hague and at Brussels, all the great departments had their offices in Holland. They were placed there for greater safety in the event of war; but it was a grievance that some of them were not at Brussels, Antwerp, or Ghent. Most of the officials were Dutch, which seemed to prove a wish for Hollander supremacy, though the Dutch were a minority of the population of the United Kingdom. The press attacked the Government, and was severely punished under decrees issued by the King on his personal authority. The use of Dutch as the official language was enforced against the wishes of the majority; and at last there was a universal belief that the King's policy was to sacrifice the interests of the Belgian provinces to those of Holland.

In the South two parties were sharply divided, the Catholics and the Liberals. The Catholics, led by Baron de Gerlache, supported the clergy in their opposition to religious equality and State control of education. The Liberals, led by Charles de Broukere, deputy for the province of Limbourg, were in favour of the complete toleration provided for by the constitution, and defended the King's measures for improving education. On these questions principles were opposed to principles. But as time went on the complaints of both Catholics and Liberals grew louder. Both parties resented the strict measures taken against those who attacked the Govern-

ment in the press. Bishops and other dignitaries of the Church found themselves treated as plain subjects; and journalists and barristers who liked to fish in troubled waters were placed in the dock, and punished for seditious writings.

Van Maanan, Minister of Justice, was the adviser of the Crown in these prosecutions; and, though the constitution did not provide for Ministerial responsibility, he, rather than the King, was blamed. He gave great offence by telling the States General that the Ministers were agents of the Crown, and not servants of the people. "The constitution of the Kingdom," he said with perfect truth, "recognises no other Ministerial responsibility." This made him detested throughout Belgium.

For some time before 1829, side by side with this growth of discontent, there had been a movement for a coalition of the Catholic and Liberal parties. But the general public in the Southern Netherlands took very little interest in political controversies; and the elections for the States General took place almost unnoticed. Most of the newspapers were managed by Frenchmen, who filled their columns with attacks on the Bourbons and the Jesuits, French epigrams, and Parisian witticisms. This fostered the indifference of the people to public questions. But suddenly some new papers, with Belgian editors, appeared, and proposals were made that disputes about religion should be laid aside in favour of an agitation for Ministerial responsibility, a free press, and other reforms; and at last, in July, 1828, a coalition of the Catholics and the Liberals was announced. Religious differences were to be sunk. The Catholics were to demand a free press, which they had always opposed, and to admit the right of private judgment. The Liberals were to support the Catholic claims on the subject of religious education, and the Catholics were to assist the Liberals in pressing for various changes which they desired.

At first the Vatican disapproved of the coalition; and Cardinal Cappacini, then in Belgium as a Papal Nuncio, told the clergy that they must not commit themselves. He was, however, working privately against the Government[1]; and soon the Church came openly into the field, and sermons were preached in favour of the Opposition. Van Maanan received many warnings that, though the North was peaceful, the Belgian agitation excited by the priests was dangerous; and Baron de Gerlache remonstrated with the King, who listened in silence, but could hardly conceal his anger. His Government, he replied, was a monarchy tempered by a constitution, and not a republic with a ruler who was the deputy of the deputies of the people. It was useless, he said, to speak of Ministerial responsibility; the attributes of the Chief of the State were defined by the fundamental law, and all theories to the contrary were factious and revolutionary. "I will maintain," he said, using the famous motto of his family, "I will maintain, by every means in my power, the constitution to which I have sworn."

A few days after this interview, on December 11, 1829, a Royal message was read to the States General. Its language was more guarded than the language which the King had used in private to the Catholic leader. It was, however, equally firm, and gave great offence, which grew deeper when Van Maanan issued a circular to all persons in public employment calling on them to give, within forty-eight hours, a written assurance of their adherence to "the principles which the King has expressly declared to be the rules of his Government".

The only effect of the Royal message and this circular was to make Van Maanan more unpopular than ever, and to produce a loud call for his dismissal. The King would not yield; and in January, 1830, he deprived six members of the States General of offices and pensions on the ground

[1] Terlinden, *Guillaume I et l'Église Catholique en Belgique*, ii. 371.

that they had voted against the Ministers of the Crown, and had "displayed an absolute aversion to the principles of my Government".[1]

At this juncture the clergy insisted on having secular as well as religious education in their hands. To this the King, taking his stand on the constitution, would not consent. There can be no doubt that he honestly wished to erect an intellectual barrier between his Kingdom and France by guiding the Belgians into a course different from that into which Charles the Tenth was guiding the French, and to prevent the spread in his own dominions of that dark mediævalism which was making clerical rule in the Papal States such a curse to the inhabitants of Central Italy. But this could not be accomplished if the clergy were left free to educate the youth of the country as they pleased.

When the year 1829 closed, though as yet there was no public movement in the Belgian provinces for a separation from Holland, a few ambitious men were in secret communication with Paris, where schemes had been devised to reverse the European settlement of 1815, and recover the Low Countries, the highway to the Rhine, for France.

For some time the members of the *Corps Diplomatique* in the Netherlands had been alarmed at the growing discord between King William and his Belgian subjects. The Sardinian Minister of Foreign Affairs, soon after the Philosophical College at Louvain was opened, instructed his envoy at Brussels to remonstrate, and warned the Dutch Minister, Mijnheer Heldevier, that the Catholic opposition to the King's measures might lead to a revolt. The opinion, however, of the Comte de Mier, the Austrian Ambassador, was that everything depended on what happened in France. "So long," he said, "as France is tranquil, this country, in spite of all discontent, will not move."[2]

[1] Juste, *Revolution Belge*, i. 183.

[2] Terlinden, ii. 430.

But France, though prosperous after recovering from the effects of the long war, was now on the brink of an explosion. The Three Days of July were drawing nigh.

Ever since, in May, 1825, Charles the Tenth was crowned at Rheims, the *camarilla* of Jesuits and ultra-royalists who surrounded him, the *parti-prêtre*, had been gaining ground. In the first week of August, 1829, Prince Jules de Polignac, who had been for some years French Ambassador in London, was recalled to Paris, and appointed Minister of Foreign Affairs in the new Cabinet which then came into office. In the Archives of our Foreign Office there are numerous letters from Lord Stuart de Rothesay, the British Ambassador in Paris, to Lord Aberdeen, which speak of the dread felt at the return of Polignac.[1] The Duke of Wellington said that the fanaticism of Polignac was incredible, that there never was a more bitter enemy to England, and that he never lost sight of the notion of a revival of the Roman Catholic religion in Europe. "He invariably," Wellington said, "reverted to the views of Louis the Fourteenth, respecting the Rhine being the proper boundary of France; and it was almost wholly at his instigation that De Potter[2] and the other malcontents in Flanders organised their rebellion, though it did not break out till he and all that he belonged to had fallen victims to their own Revolution of the Three Days—a just retribution upon him at least."

The Three Days' Revolution of July, 1830, which, after overwhelming the elder branch of the Bourbons, was followed by the rising in Brussels, was, of course, caused by the domestic measures of Charles the Tenth. But long before that event, in the autumn of 1829, Polignac had brought forward plans which threatened to re-open the secular struggle for supremacy in the Low Countries by breaking up that kingdom of the Netherlands which had been created, chiefly through the influence of Great Britain, in the hope of maintaining the general peace.

[1] F.O. 146 (France), 102, 103, 104. [2] Louis de Potter.

The restoration of the Bourbons was associated in the minds of the French people with invasions by foreign armies, with the fall of Paris twice, with the loss of Belgium, Holland, and the Rhine frontier. How, then, was France to be reconciled to the Bourbons? That was the question which met the Ministers of Louis XVIII and Charles X at every turn. The natural answer was—by a spirited foreign policy; and a spirited foreign policy meant, to most Frenchmen, a march through Belgium to the Rhine.

During the war between Russia and Turkey which began in 1828, soon after the collapse of the short-lived triple alliance of Great Britain, France, and Russia, plans for a move towards the Rhine had been discussed in France.

Early in January, 1829, Lord Palmerston had a conversation at Paris with General Sebastiani, who maintained quite openly that an extension of territory towards the Rhine was necessary to France. "It is," he said, "essential and indispensable to France to get back to the Rhine as a frontier. Landau and Sarre-Louis are necessary to her. . . . So long as the policy of England is opposed to these resumptions, so long will it be impossible for a cordial alliance to exist between England and France."[1] After Polignac became Prime Minister, the policy of the French Government assumed a very definite shape. In September, 1829, he laid before the Council of State a long memoir setting forth an elaborate plan for the reconstruction of a large part of Europe, which was to take place after the defeat of Turkey. "In every combination," he said, "connected with the fall of the Ottoman Empire the one object that must be kept in view is the breaking of England's dominion of the seas." To gain this object he looked first of all, like Napoleon, to Belgium and the acquisition of Antwerp. But there were to be

[1] Ashley, *Life of Lord Palmerston*, i. 189.

re-adjustments of territory in other parts of Europe. Almost the whole map was to be re-drawn. Austria was to obtain Bosnia, Herzegovina, Serbia, and Turkish Dalmatia. Russia was to have Wallachia, Moldavia, and a large increase of territory in Asia. Prussia was to have part of Hanover, and also of Saxony. Holland was to be compensated for the loss of Belgium by receiving part of Hanover. Polignac's chief aim in proposing this vast scheme was to secure the assent of Europe to the extension of France to the left bank of the Rhine.[1] "The possession of Belgium," he said, "is necessary for France, in order to cover plans against an invasion." At the first meeting of the Council to discuss this subject, "the Dauphin objected that England would never consent to let Antwerp fall into the hands of France, and proposed that, instead of Belgium, the Rhine provinces should be annexed". But Polignac replied, "We must have Antwerp. Either we consent to be saddled forever with the treaties of 1815, or we must make up our minds to incur the hostility of England. In alliance with Russia, Prussia, Bavaria, and the great part of the rest of Germany, we can force England."

At this meeting no decision was reached; and Polignac prepared another memoir "on the relative value of Belgium as compared with the Rhine provinces". "The possession of Belgium," he argued, "would strengthen France as a naval power, so that she could take the lead in a maritime alliance against England, while to insist on taking the Rhenish provinces would be an act of hostility against Prussia." In the end Polignac's plan was adopted. An attempt was to be made to obtain the assent of England by offering her the Dutch colonies; but there was to be a secret understanding between France, Russia, Austria, and Prussia, which would leave England isolated. The whole project was to be sent to the French ambassa-

[1] Louis Blanc, *History of Ten Years*, i. 74; *Memoirs of Baron Stockmar*, i. 136; Simpson, *Rise of Louis Napoleon*, p. 54.

dor at St. Petersburg, with instructions to inform the Russian Government that the essential point was that Russia must guarantee to France the possession of Belgium. If, however, peace was made between Russia and Turkey before these instructions reached him, the ambassador was not to act upon them. And that was what happened. On September 18, a telegraphic despatch, sent from the semaphore station at Lille to Paris, announced that peace had been signed at Adrianople on August 29.[1]

While at Paris Polignac and his colleagues were weaving their plot for destroying the settlement of 1815, their agents in Belgium had been preparing the way. A pamphlet of this period, written by Baron de Richemont, openly proposes the annexation of Belgium by France, on the ground that the Kingdom of the Netherlands had been established by Great Britain solely for her own purposes, and that the Belgians themselves wished to be re-united to the French people. There was, indeed, a certain faction in favour of separation from Holland with the view of joining France. But it was discredited by the suspicion that it was working in the interest of France alone; and Baron de Richemont's assertions were answered in the Belgian press, both by Catholics and Liberals. All Europe, they said, and not Great Britain alone, had wished to prevent Antwerp and Ostend remaining in possession of France; and the destruction of the Kingdom of the Netherlands would be a menace not only to England, but also to the peace of Europe.

It was reported that the French Jesuits had sent 80,000 francs to Flanders to be used in rousing the people against the Government. Nevertheless, there was as yet no thought of a revolution. Reforms, "painfully and slowly acquired," says De Potter, were all that the responsible leaders of the Belgian Opposition wished for.[2] "We are

[1] Stuart de Rothesay to Aberdeen, Sept. 19, 1829. F.O. 146 (France), 104.
[2] *Souvenirs Personnels*, i. 59.

far from the culpable wish for a separation of North and South," an Opposition paper, the *Catholique des Pays-Bas*, declares; and in one pamphlet I find Count Felix de Mérode explaining the constitutional character of the Opposition.

Suddenly, towards the end of July, 1830, the conflict of parties in France came to a crisis.

A new page of French history had just been turned with the success of the expedition to North Africa, and, preparatory to entering Belgium (Polignac still clung to that part of his great plan) two military camps had been formed at St. Omer and Lunéville, when, just three weeks after the capture of Algiers, Charles X signed the notorious ordinances which destroyed the liberty of the press, changed the electoral law, and dissolved the newly elected Chambers of Deputies. The Three Days' Revolution followed. With the National Guard disaffected, part of the regular army in Africa, and part on the Belgian frontier, the Government had no force in Paris strong enough to quell the mob; and by the middle of August, Charles X was an exile in England, and Louis Philippe, Duke of Orleans, was on the throne of France.[1]

In Holland, the Revolution of July was applauded; and there seems to have been no uneasiness about what might be its effects on Belgium. The King of France (this was said at the Court of the Netherlands) was a crowned

[1] In July, 1830, Prince Polignac was acting as Minister of War as well as Foreign Affairs. The Comte de Circourt, who was employed in the Foreign Office at that time, told Mr. Henry Reeve that Polignac was at the bottom of the Belgian Revolution. "Polignac had for some time been intriguing to detach Belgium from the King of Holland's dominions—chiefly from a desire to release a Catholic population from their Protestant connection, but in part, also, from a notion that a military demonstration on the side of Belgium would be popular in France, and would disarm the Opposition, so that the movement which took place at Brussels after the Revolution of July, and was attributed to the example of that democratic explosion, had, in fact, been prepared by Polignac himself. This is strange enough; but what is still more strange is that the very means taken to promote this lawless object proved to be the ruin of Charles X and his Minister" (*Memoirs of Henry Reeve*, ii. 110). See also an article on the Comte de Circourt in the *Edinburgh Review* for October, 1881.

Jesuit, who deserved his fate; and since the people had driven him out with cries of "Down with the Priests," it could not be supposed that the French revolutionaries and the Belgian Catholics had anything in common.[1] But for some years Brussels had been a favourite meeting-place for political refugees from every country. Carbonari from Italy, Polish exiles, Russians, Germans, Spaniards, irreconcilable Bonapartists, Jacobins—all found shelter there; and the Belgian capital was not only the refuge of genuine patriots who had fled from persecution, but also the haunt of many undesirable characters, needy outcasts, the *mauvais sujets* of various nations, who were ready for any enterprise in the hope of mending their broken fortunes. When these dangerous aliens heard the news from France they gathered in the streets and cafés, and urged the mob to imitate Paris, erect barricades, and revolt against the Government. Most of the veteran Jacobins, Barrère amongst others, who had been living in Brussels since the restoration of the Bourbons, had returned to Paris. But it was noticed that every day young Frenchmen who had fought in the July days were flocking into Brussels, where they walked about wearing tricolour cockades, singing the "Marseillaise," and declaring that France was ready to help any country which was discontented with its rulers.

It appears that De Potter, who had been twice prosecuted for sedition, and was now openly in favour of a revolution, believed that French troops would be at once sent into Belgium; and M. Gendebien, a leader of the Opposition who was always bent on re-union to France, wrote to Paris asking if the Rhine frontier was really desired, and went so far as to promise complete success if the Belgian provinces were invaded. He was, however, privately informed by an agent of the French Government that, even if the Belgians revolted, it was

[1] De Gerlache, *Histoire du Royaume des Pays-Bas*, ii. 246.

most unlikely that France would intervene unless the Prussians entered Belgium to assist the King of the Netherlands.

This was the situation on August 15, when some members of the Opposition held a secret meeting. They thought that a popular rising was possible, and that, if it came, they should be prepared to lead it. They had, however, been so impressed by the personal popularity of the Royal Family during their last visit to Brussels that it was decided to adjourn for a month. But events moved faster than they expected.

Ten days later came that momentous evening of August 25, 1830, when the *Muette de Portici*, which had been produced in Paris two years before, was performed for the first time in Brussels at the *Théatre de la Monnaie*. The story of what happened has been often told; how the wrongs of Masaniello's sister, the dumb girl Fenella, the spectacle of resistance to authority, and the songs of freedom roused the emotions of the audience to such a pitch that they rushed out of the theatre shouting "Liberty! Liberty," and caused the disturbance which led to the rioting and destruction of property in which the mob indulged throughout the night.

I found a few years ago amongst the Dutch Archives at The Hague a confidential report by Mijnheer van Gontrant, who was Director of Police at Brussels in 1830. It appears from this document, which was evidently written to show that the Director of Police had done his duty like a hero, that French agitators were the chief promoters of the riot. Young men from Paris, well dressed, and with plenty of money, went about inviting all and sundry to enter the taverns and drink with them. Beer and wine flowed like water; and these generous strangers had a great deal to say about the glory of France, and the power of the French people to assist their neighbours.

The troops and the police were useless; but next

morning Count Felix de Mérode and other well-known men took matters into their own hands, organised patrols of citizens, and restored order to some extent. But the mob had tasted blood; the alien population, many of whom were desperate adventurers, continued their incitements to rebellion; and the situation became highly dangerous. The French tricolour flags disappeared, and were replaced by the red, black, and yellow banners of Brabant. The royal arms were torn down; and the rioters no longer shouted "Vive la France," but "Vive la Belgique". It was now too late to avert a catastrophe. Had this riot at Brussels, the work of a few foreigners, who stirred up the rabble of the city, been vigorously dealt with the moment it began, followed by a calm and full enquiry into the complaints of the Belgian provinces, the solid Kingdom of the Netherlands would probably have remained intact. If so, it is most unlikely that there would have been in later years a mysterious Bismarck-Benedetti intrigue, or an affair of Luxembourg. There might have been no Franco-Prussian war of 1870, and no annexation of Alsace-Lorraine. The peace of Western Europe might well have been preserved till now; and Belgium and France would thus have escaped the devastation and ruin of the last few years. But on that fatal night the mob had been allowed to gain the upper hand; and a mere street uproar became the prelude to a revolution full of danger to the peace of Europe.

A deputation sent from Brussels to The Hague laid the grievances of the Belgian provinces before the King, demanding the dismissal of Van Maanan, and the introduction of Ministerial responsibility. The King promised to consider what they said, but insisted that his troops must enter Brussels. "I should be the laughing stock of all Europe," he said, "if, with a pistol at my head, I yielded to the threats of a few disturbers of the general peace."

Orders were sent from The Hague to put down the

rising by force; and Dutch troops marched into Brussels on September 23. After three days of desperate street fighting, during which the Belgians were commanded by a Spanish soldier of fortune, they left. On the retirement of the Royal army, which, there is reason to believe, was caused by a wish to avoid further bloodshed and save the city from destruction, the revolution spread in all directions. The whole country rose. Paid agitators went about amongst the people; men of high standing joined the party of revolt; the Bishops pulled the strings behind the scenes; parish priests excited their congregations to rebel; and fuel was added to the fire by the violent language of the press. At Bruges, where many of the people lived in abject poverty, the mob followed the example of Brussels, and there was serious rioting. At Liège, where there was a strong desire for reunion to France, the townsmen assembled in the market place, helped themselves to arms, and marched into Brabant. At Louvain the populace rose, attacked the barracks, and brutally murdered the commanding officer. The people of Luxembourg, too, joined in the fray. Amongst the spoils acquired by Prussia at the close of the Napoleonic wars were the hereditary estates of the Orange-Nassau family in Germany. For centuries, during the Burgundian, Spanish, Austrian, and French periods, Luxembourg had been, as much as Flanders or Brabant, a part of Belgium. But the Congress of Vienna gave this province, essentially Belgian, not only by territorial connexion, but in sentiment and affection, to the King of the Netherlands, as compensation for the Orange-Nassau estate taken by Prussia. He held it as his personal property, with the title of Grand Duke of Luxembourg. This new Grand Duchy was at the same time made a State of the Germanic Confederation, and a Prussian garrison was placed in the citadel of the town of Luxembourg. The province was, however, administrated as a part of the Kingdom of the Netherlands, sent

deputies to the States General, and now took a very prominent part in the revolution, which spread so rapidly that in a few weeks the King had lost all the fortresses of the Southern Netherlands except Venloo, Stevenswart, Maestricht, and Antwerp, and a majority of the people were obeying a Provisional Government which had assumed authority on the last day of the fighting in Brussels, and had proclaimed the independence of the Belgian people.

At first the citizens of Antwerp, most of whom were rich merchants or industrious workmen, had no sympathy with the rising at Brussels. But on October 26, there was an exchange of shots between the garrison and a party of Belgian insurgents, who demanded the surrender of the citadel. Next day the commander of the citadel opened fire on the town, which was bombarded for several hours. Some members of the Provisional Government came from Brussels, and arranged an armistice. The Dutch remained in possession of the citadel; but the bombardment of the city, during which many civilians were killed and a number of buildings were destroyed by fire, put an end to the last hopes of a reconciliation between the Belgian provinces and the House of Orange.

When it was seen that the settlement of the Netherlands made by the Congress of Vienna was in peril, King William had instructed Baron Falck, his ambassador at the Court of St. James', to ask for intervention on his behalf. The British Government replied that troops could not be sent; that a conference of the five great Powers would discuss the whole question; and that the policy of Great Britain would be to prevent the Belgian revolution leading to a breach of the general peace. This famous Conference held its first meeting at the Foreign Office in London on November 4, 1830.

The question of the Netherlands was, indeed, once more troubling the repose of Europe. King William, as a

Prince of the Germanic Confederation, was calling on the Diet of Frankfort to suppress the revolt of Luxembourg, and help him to defend his interests in the other Belgian provinces. The Austrian army, though Metternich, with troubles of his own nearer home, did not wish to intervene, had been reinforced, and was ready to take the field. The Cabinet of Berlin was alarmed. Most of the warriors and statesmen and men of letters who had guided Prussia and the German States during the ascendancy of Napoleon were now off the scene or just about to leave it. Scharnhorst, the organiser of the Prussian army, had fallen early in the war of 1813. Blücher had died four years after Waterloo. Hardenberg was dead. Stein, old and worn-out, was spending the last months of his life in Westphalia. Kant, Herder, Schiller, Fichte, were all gone. Niebuhr was to die in January, 1831; and in the autumn of that year Hegel was to be buried beside the tomb of Fichte. Goethe, almost the last survivor of the Weimar circle, was still alive, but on the brink of the grave. But Frederick William III, after reigning for thirty-three years, was still upon the throne of Prussia. His appetite had not been fully satisfied at the Congress of Vienna; but he had obained, along with other gains, the Rhine provinces with a frontier running side by side with the frontiers of Holland, Belgium, and the Grand Duchy of Luxembourg, and also with that of France between Luxembourg and Rhenish Bavaria. Prussia, therefore, more than any other State of the Germanic Confederation, had an interest in the future of the Netherlands, and in the question of French policy towards the Belgian revolt. The family ties, moreover, which united the Hohenzollerns to the House of Orange had lately been strengthened by the marriage of Prince Albrecht, Frederick William's youngest son, to the Princess Marianne, only daughter of the King of the Netherlands, which took place at The Hague on September 14, when the Belgian provinces were fast breaking into open rebellion. This

marriage gave King William some reason for believing that, even if Prussia did not intervene by force of arms, her diplomatic influence would be used on his side at the Conference of London.

The Emperor Nicholas I, however, was the most determined foe of Belgian independence. The Hereditary Prince of Orange, after his engagement to the Princess Charlotte of Wales was broken off, had married the Grand Duchess Paulowna of Russia. Thus a family alliance bound the dynasty of St. Petersburg to the House of Orange; and the Emperor had mobilised large forces for a campaign in the Netherlands, when suddenly the hands of Russia were tied by an event which had a powerful influence on the fate of Belgium.

When the flame of the July revolution, after spreading from Paris to Brussels, started on its tour through Europe, it crossed the Rhine, began to burn, as Heine puts it, the crimson trappings of a few German thrones, and was speedily quenched by the fire-engines of the police. Heine lamented the slavish torpor of his countrymen, and went to France. But further to the East the habit of submission was not so confirmed as in the German States; and when the flame reached Warsaw it burst into a conflagration so fierce that soon the whole of Russian Poland was on fire. For some time a rising had been anticipated; and the news from Paris and Brussels, together with a rumour that the Polish army was to be sent into Belgium to crush the revolution there, made the mouldering embers of disaffection blaze. On November 29, the people of Warsaw and the Polish soldiers rose, and drove out their oppressors. This diverted the attention of the Emperor from the Netherlands to Poland, where he was fully occupied for the next twelve months in destroying the last shreds of Polish freedom. The dry bones of the Holy Alliance had begun to move; but the revolt of Russian Poland, by embarrassing the most powerful member of the autocratic league,

increased the influence of Great Britain at the Conference of London, and helped Lord Palmerston, who became Foreign Minister on the fall of the Wellington Government, and Prince Talleyrand, who had been sent to England as French ambassador on the accession of Louis Philippe, in their efforts to find a peaceful solution of the Belgian problem. There were frequent differences of opinion in the Conference; but the five Powers, under the skilful management of Palmerston and Talleyrand, continued to act, ostensbily at least, in concert.

This brings us to the end of the year 1830. To go further, even if time allowed, would be to plunge into the arena where the diplomatic tournament of the London Conference went on, with occasional pauses, for nine long years, in the midst of endless difficulties about the terms on which the South was to be separated from the North, about the election of a King of the Belgians, about the Belgian claim to the left bank of the Scheldt, above all things, about Luxembourg and Limbourg. Twice at least, there was danger of a general European war—first when the Dutch entered Brabant, defeated the Belgians, and were induced to retire only by the arrival of an army sent from France to oppose them, and again when the citadel of Antwerp was besieged and taken by the French, while the ports of Holland were blockaded by the British Navy. The negotiations were so complicated that even Prince Metternich confessed that the course taken by the Belgian question passed his comprehension. "I can no longer," he writes, "make anything out of it; my mind refuses to work upon it; and if my duty did not forbid my doing so, I would abandon it to the winds rather than have anything to do with it. It has come to affect me with inexpressible disgust."

The end came with the Treaties of April 19, 1839, when Belgium at last entered the family of independent States, made perpetually neutral under the guarantee of the five great Powers. Perpetual or compulsory neutral-

ity, which is hardly consistent with complete independence, was proposed, Professor Treitsche says, by Count Bülow, the plenipotentiary of Prussia at the Conference of London. It was imposed on the Belgians against their wishes. They signed the Treaties of 1839 unwillingly for several reasons, particularly because of the Articles which deprived them of large parts of Luxembourg and Limbourg, against which King Leopold I and the inhabitants of these provinces protested to the last. They had grave misgivings on the subject of perpetual neutrality. But history will always tell, and Great Britain and France have good reason to remember with peculiar gratitude, how unflinchingly, on that critical evening in August, 1914, the Cabinet of Brussels refused to commit the flagrant violation of international law demanded by the Imperial Government of Germany, and at what a price they fulfilled the obligations of a neutral State.

THE TRIAL OF SIR WALTER RALEIGH

A Lecture delivered in connection with the Raleigh Tercentenary Commemoration

By Sir HARRY L. STEPHEN

The subject of my paper is the trial of Sir Walter Raleigh. I propose to confine what I have to say to that subject, and consequently to consider legal rather than historical matters, as far as the two can be distingished, but I hope that some of my audience may deal with the points that I may have to notice from that wider point of view which it is so necessary to take into account if our national system of law is to be properly appreciated.

The trial took place at Winchester on November 17, 1603, of which to-morrow may be considered the 115th anniversary if we take the change of style into account. Before noticing the legal points that I wish to bring to your notice I will attempt to make an analysis of the trial itself from the point of view of a modern lawyer taking on himself the function of a critic with a revisionary jurisdiction.

The indictment charged Raleigh with high treason by conspiring to deprive the King of his Government; to alter religion; to bring in the Roman superstition; and to procure foreign enemies to invade the kingdom. The facts alleged to support these charges were that Lord Cobham on June 11, 1603, the previous June that is, met Raleigh at Durham House, where the Adelphi now stands, and conferred with him as to advancing Lady Arabella Stuart to the throne; that it was there agreed that Cobham should bargain with Aremberg, the

Ambassador of the Archduke of Austria, for a bribe of 600,000 crowns; that Cobham should go to the Archduke to procure his support from the King of Spain; that Lady Arabella should write three letters to the Archduke, to the King of Spain, and to the Duke of Savoy, promising to establish peace between England and Spain, to tolerate the Popish and Roman superstition, and to be ruled by them as to her marriage. Cobham was then to return to Jersey where he would find Raleigh and take counsel with him as to how to distribute Aremberg's bribe. On the same day Cobham told his brother Brook of all these treasons and persuaded him to assent to them; afterwards Cobham and Brook spoke these words, "that there never would be a good world in England till the King (meaning our sovereign lord) and his cubs (meaning his royal issue) were taken away". Further Raleigh published a book to Cobham, written against the title of the King, and Cobham published the same book to Brook. Further Cobham, on June 14, at Raleigh's instigation, moved Brook to instigate Lady Arabella to write the letters as aforesaid. Also on June 17, Cobham, at Raleigh's instigation, wrote to Aremberg through one Matthew de Laurency, to obtain the 600,000 crowns, which were promised to him on June 18, and of which Cobham promised 8000 to Raleigh and 10,000 to Brook.

To this Raleigh pleaded not guilty; and the case was opened by Neale who confined himself to the indictment, and by Coke. The actual charges made by the latter are that Raleigh had conspired with Cobham that the latter should receive the King of Spain's money to be distributed by both of them among the discontented, and that he had supported the claim of the Lady Arabella to the throne. His speech contained matters of prejudice such as the Bye or surprising treason, the leading men in which had been convicted two days before, matters of suspicion such as the correspondence with Cobham imputed to Raleigh, a good deal of inevitable pedantry, characteristic

both of the speaker and the period, and of course much of the rancorous ferocity that characterised the whole of Coke's conduct on this melancholy occasion. The report of it that we have is no doubt very much abbreviated, sometimes clumsily enough; but it is plain that Coke knew that Cobham's "confession" was the only ground on which he could possibly hope to obtain a conviction. That Brook said that Cobham said, that Grey and others were in the Bye, but he and Raleigh were in the Main; and that Raleigh had in his possession a document impugning the King's title, were facts which if true did not add much more to the case than the statement of a "Portugal gentleman" that Don Raleigh and Don Cobham would cut the King's throat before he could be crowned; and these are all the matters that, whether we regard them as evidence or not, can be regarded as relevant. The case depended therefore on the examinations of Cobham and of Raleigh himself.

The text of these examinations is not available, and from Professor Gardiner's account of the trial and other authorities the best account of them we have appears to be that in Howell's *State Trials*. There they are in oblique oration, and look like a very much summarised note of what must have been a long proceeding. The first of these shows that Cobham began by oaths and exclamations against Raleigh imputing to him the instigation of his proceedings. He states that he intended to go to the Archduke "to confer with him about these Practices"; that he intended then to go to Spain to get the 600,000 crowns, and afterwards to meet Raleigh in Jersey to consider about their distribution. He spoke with Raleigh about plots and invasions of which no particulars were given; and professed that he did not in fact trust him. At a subsequent examination, Raleigh's letter to Cecil revealing Cobham's dealings with Aremberg, written after he had been consulted or examined about the Bye Plot, were shown to Cobham, and he repeated what he had said

before. At the same, or possibly at another time, he told the story of a letter from Raleigh brought by Kemish to him in the Tower in which Raleigh said that he had cleared himself, and of a message from Raleigh that he was to "be of good comfort for one witness could not condemn a man for treason". Finally came the letter produced by Coke at the end of the trial in which Cobham confessed to having carried on correspondence with Raleigh while he was in the Tower, which ended by his retracting his statement that he was to meet Raleigh at Jersey, on his way home from Spain, and possibly other charges he had made to Raleigh's detriment, and concluded with the statement that the latter was to receive a pension of £1500 from Aremberg in consideration of preventing action against Spain; a matter not referred to in the indictment. On the other hand, Cobham retracted his second statement—this is how I understand it—"before he came to the stair foot," though how complete this retractation was is not stated, and he admitted in his letter to Raleigh, produced as a reply to the letter produced by Coke, that he had never practised with Spain by Raleigh's procurement. All that Raleigh's admissions came to is that he was intimate enough with Cobham for the latter to offer him 8000 crowns for furthering peace with Spain, a matter which he treated as an idle conceit.

Such was the case made against Raleigh when reduced to its elements and shorn of all the picturesque features imputed into it by the characters and the passions of the parties concerned. So reduced, it is unnecessary to dwell on the point that apart from all question of procedure and making all possible allowances for the changes which time has produced in our views about the spirit in which criminal proceedings should be conducted, it was no case at all. It supports the general charges in the indictment only by the vaguest possible reference to "these practices," and "plots and invasions" of which no more is said. The publication of Raleigh's book is made

to appear as one of those mare's nests, which prosecutors of to-day are above all things anxious to keep out of their indictments, and if there was ground for supposing that Raleigh agreed to take a pension from Spain, which does not seem to be the case, that was a far weaker foundation for a charge of treason than a similar act would be to-day. Moreover all the evidence supporting the case came from Cobham, who, besides being an accomplice, failed to stand any of the tests which under any system of enquiry can be applied to a witness. Under these circumstances it is not worth while to go into the matter in detail; and all that I feel called on to say about the result of the trial is that it throws no light on the question whether Raleigh was in fact guilty of treason, except in so far as it may be said that the Government strained every nerve to make a case against him, and completely failed to do so. What other evidence there may be as to Raleigh's actions at the time of his fall is not a question for me to consider. The Government no doubt had a considerable body of information in their possession, which their peculiar relations to the Catholics, the Jesuits in particular, and to the King of Spain and Aremberg, made it impossible for them to produce, and some of it may have been relevant to Raleigh's guilt; but I understand that since the date of the trial nothing has come to light to show that Raleigh's conviction was not as unjust as has always been popularly supposed. I have therefore no wish to question the view of the verdict that seems to have prevailed since it was given. But if I have to admit that English administration of justice grossly failed on this occasion there can be no doubt that the reaction was immediate and that, at least from that time on, the essential features of what we consider justice in such matters were gradually developed on consistently progressive lines. The process was slow enough; but it was at least continuous.

The whole trial was based on procedure that has survived to our times. The Court was constituted as it

might be to-day under a Commission of Oyer and Terminer. It consisted of seven persons of good position and four judges. With a slight difference in the proportion of laymen to lawyers the same might be said of any Court of Assize, so called, of the present day. The indictment was presented, I suppose by a Middlesex Grand Jury, at Staines, and the trial would normally have taken place in the King's Bench in London, but, because of the prevalence of the plague there, was moved to Winchester, where it took place in Wolvesey Castle. The jury were, it is said, Middlesex men, and Raleigh was offered, but did not accept a right of challenge. So far the form of the proceedings is as modern as is to be expected in proceedings more than 300 years ago. The substance, however, was as different as may be. To-day the lay Commissioners, if they were present at all, which most of them probably would not be, would be local Justices of the Peace selected for their social or political importance in the country; and they would be mere spectators of the proceedings. Then they were among the most important politicians of the day, and must all have been personally deeply interested in the result. Lord Henry Howard, afterwards Earl of Northampton, was notoriously hostile to Raleigh; Cecil, Waad and he had taken an active part in preparing the case, the first two in fact probably knew more about it than any one else, and Cecil took a leading part in its conduct. The judges were much as they might be in a trial of political importance to-day, and whatever may be said as to their independence or fairness, it is plain that Popham, the Lord Chief Justice, kept the conduct of the trial well in his own hands. But at this point it must be admitted that the likeness to modern proceedings, or anything that we consider to be a fair trial, ceases. It began in the way that we are familiar with, by the opening first of the indictment and then of the case; but this degenerated at times into recriminations between prosecuting counsel and the prisoner, the

nature of which vigorously survives in the pages of Howell. When the evidence, such as it was, was introduced, arguments on both sides continued. The Commissioners interrupted at their discretion, and in Cecil's case with considerable effect, and occasionally gave evidence and explanations of matters of fact. At the same time, as I have said, the Lord Chief Justice seems to have kept his hand in the proceedings throughout, though he did not sum up, and in fact never formally addressed the jury at all. The trial thus openly, and to a high degree, assumed the form which is in fact essential to all English trials, and became a duel between prosecuting counsel and the prisoner, only the former was notrestrained by the rules that have been developed in later times, and was not led to anticipate them by any regard even to what his audience might consider fair or proper; and the latter could use only such weapons as his natural genius supplied him with at the moment. The result was that with Coke and Raleigh as the combatants, and with the life of the latter and the fortunes of both at stake, the proceedings rose to a pitch of dramatic interest which in later and more formal times can never be approached.

But in all the hurly-burly of passionate invective, of suspicions treated as facts, and of legal doctrines expressed in ill-digested allusions, two main principles may I think be detected. In the first place it was recognised that all the questions raised were to be solved by a law that existed, though no one seems to have felt it necessary that any careful enquiry should be made into what that law prescribed; and secondly, what is of more interest, that the guilt of the prisoner was to be decided on the evidence that was laid before the jury. I do not say that the trial was a fair one, in any sense of the word, in fact I fully agree with the universally held view that it was very much the reverse. But I think that a careful reader must come to the conclusion that every one concerned had essentially the same ideas that we have as to what

fairness in such matters is, though for the worst of reasons they gave no effect to them. The Court no doubt intended that Raleigh should be convicted, and he never had a chance of escape. But if later generations rose to better things, this was done by developing lines of thought which can be traced back continuously to a period far anterior to 1603, and which lead us through this trial on their way. The real interest of the trial therefore, apart from personal questions which I will leave over for the present, is that it, affords us a view of the foundation on which the superstructure of our criminal procedure, in the widest sense of the word is based. It excited the highest possible degree of interest at the time, all the actors in it acted from the strongest possible motives, and the anonymous persons to whom we owe the reports of the trial no doubt appreciated the importance of the occasion. It is therefore worth while to treat the trial as a naturalist treats a section of some organisation that he wishes to study, and to consider what details are of historic interest and how far they throw a light on the course of judicial proceedings of an earlier or later date.

The first of these to be mentioned, though it is not the most important, is that with one exception all the evidence in the case was contained in what may be considered depositions, namely, the written account of statements made generally, it seems, to members of the Court, by persons whom it was thought desirable to examine. In the trials that have survived to be published in Howell this seems to have been the usual course, as may be seen in the cases of the Duke of Norfolk in 1571, John Udall 1590, and Weston, whose trial in 1615, formed the foundation of the trials that took place in connection with the murder of Sir Thomas Overbury, culminating in those of the Earl and Countess of Somerset. Nor was such a course open to the same objection at that time as it would be to-day; for as may be seen in the Popish Plot trials

nearly eighty years afterwards, if you cannot cross-examine a witness it is not of much use to be confronted with him, and cross-examination was practically an unknown art till counsel were allowed to appear for the accused, or possibly till even a later date. Trials on written evidence are in fact a better means of justice than we are apt to suppose, as may be seen in more than one system of judicature at the present day. In Raleigh's case, however, the system was seen at its very worst, largely because it led up to the point round which centred the grossest part of the injustice that characterised the whole. Cobham was as I have said the only witness of any importance whatever, and everybody knew that he was as bad a witness as it was possible to have. He was an accomplice, he had retracted his evidence, and he was awaiting his own trial. No more need be said of him. But the question pressed heavily on the prosecution how to resist Raleigh's demand that he should be produced, the force of which could not be gainsaid on the merits. The truth of the matter lies in Popham's celebrated answer to Raleigh reported as follows: "Raleigh. The common trial of England is by jury and witnesses. L.C.J. No, by examination; if three conspired treason, and they all confess it; here is never a witness, yet they are condemned." Raleigh had previously referred to Statutes 1 Edw. VI, c. 12, s. 22, and 5 and 6 Edw. VI, c. 11, s. 12, which provided that a person should not be convicted of treason without two witnesses against him, who should be brought before him at the time of his arraignment, and avow what they had to say against him. Popham replied to this that those Statutes had been repealed, and by the remark I have quoted meant that the trial was to be by the Common Law, and that this did not need witnesses. The ruling was dishonest because, in the first place, it placed an interpretation on what he no doubt regarded as the repealing Act, which even at that time must surely have been considered as fantastically strained,

and because he must have wilfully suppressed a provision in the Act he referred to. That Act was 1 and 2 Ph. and M., c. 10, which by s. 7 enacted that trials for treason should only be had according to the due order and course of the Common Law, which is the section that Popham relied on; but by s. 11 of the same Act the provisions of 5 and 6 Edw. VI as to the two witnesses being brought forward at the trial were repeated. This section which completely vitiates Popham's position he did not refer to. I need not perhaps say anything more as to Popham's conduct in this matter. But when he talked of the Common Law and witnesses he had a very definite meaning, and a very curious one. His point was that the effect of the Statute he relied on was to substitute the provisions of the Common Law for those of the Statutes of Edward, and the Common Law he referred to was the Common Law which was supposed to have existed in England from the earliest times, and the purity of which, guaranteed as it was by the authority of Scripture, was hardly maintained against the invasion of the Civil Law, that is the Imperial Civil Law, derived from States less blessed than ours such as Rome, Italy, and France, though it too could avouch Biblical authority. The position is clearly and most picturesquely put by Sir John Fortescue in his *De Laudibus*, written about 140 years before. He is whole-heartedly for the laws of England, what we know as the Common Law, as against the Civil Imperial Laws, though he knows that comparisons are odious and is not very fond of making them. By the Civil Law then, as described by Fortescue, a question of fact is decided by two witnesses, which means eye or ear witnesses. What they say is taken to be true, and consequently much injustice is done, as was the case with Naboth, and Mr. Fringe, whom his royal pupil will remember, and might, but for the goodness of God, have been the case with Susanna. The French are so much aware of the untrustworthiness of witnesses that in capital cases they confirm their evidence

by torture of the accused, so as to obtain a confession, which after all is the best of proofs: and of the defects of this procedure Fortescue is as much aware as say any of Voltaire's contemporaries. Compare with this the English system of juries. In a civil case twelve men, in a criminal or capital case (they are much the same) twenty-four men, of good substance and repute, are collected from the neighbourhood. They hear the parties and any witnesses that may be called, and they have their own knowledge of the characters of the accused and the witnesses, and also, I think it cannot be doubted, of the facts of the case. There cannot be a fairer form of trial, and the Prince is duly convinced of the fact. It is not opposed to the word of God as revealed in St. John viii. 17, "it is written in your law that the testimony of two men is true," and Matthew xviii. 16, "If thy brother will not hear thee then take with thee one or two more, that in the mouth of two or three witnesses, every word may be established," because the greater is included in the less, and the law of England never decides a case by witnesses only when it can be decided by a jury.

This is not the place, I am certainly not the person to discuss, how far Fortescue's brief summary is correct. As history I understand that it is as full of faults as it is possible for it to be. Legally he represented enlightenment and progress to an astonishing degree, and while the passages I have referred to may make him appear as one still in the ways of darkness, the whole treatise is in many ways almost prophetical of the future.

The opinion on the matter that may be imputed to Popham is expressed by Sir James Stephen as follows: "If a trial by witnesses according to all the rigour attributed to the Civil Law was not to be insisted upon, the only alternative was that the jury should form their opinion as they could, whether upon their own knowledge or upon any sort of materials which might be supplied to them, of which materials the examination of the accused

would probably be the commonest and most natural. It should be observed that the remarks of the Judges, and especially the illustration given by Judge Warburton, as to a murder being proved by the fact that the prisoner was seen with a bloody sword in his hand leaving the room where the murder was committed immediately after the crime, shows that the Judges of that day recognised no distinction between different kinds of evidence, except the distinction between the evidence of an eye-witness to the actual crime and everything else. They seem to have thought that if the evidence of two such eye-witnesses could be dispensed with, no other line could be drawn," and that in fact the jury were left absolute and might decide on anything they saw fit to consider evidence. Now what I am concerned with is whether the view that Popham found it convenient, or one might say necessary to express at the moment was in any way justified. And I fear that I must come to the conclusion that if he had expressed it 150 years before he would have deserved the charge of being a reactionary sinning against the light that was then plentifully available. The idea of a trial by witnesses, in the sense of that term described by Fortescue, was surely archaic in the seventeenth century, and I cannot consider that Popham's reference to it, as I take it to be, was much more than a learned jest, used to defeat an unlearned prisoner, who had all the claims that might be derived from law and justice on his side.

It is impossible to say how far a right in the accused man to be confronted with the witnesses against him was generally recognised in the sixteenth century. In minor cases, where no examinations would be taken, I think it must have been the rule that this should be done, and the practice seems to be recognised in Smith's *Commonwealth*, written in Queen Elizabeth's time. After 1640 the rule that the witnesses should be produced seems to have been established. This may be attributed to the dislike of all

the ways of the Star Chamber that Charles I's misuse of that Court had provoked; but as the reason and humanity of the practice came to be recognised it was attributed to the "good old laws of England," that is the Common Law, and historical truth was, not perhaps for the first time, sacrificed to patriotism.

The modern reader of Raleigh's trial is struck by the fact that he had no assistance from counsel. He likewise would not have been allowed to call witnesses had he wished to do so. I doubt if either of these injustices as we may consider them actually did him much harm, but he shared them with all other persons accused in ordinary courts. They were defended by the argument that the case against the accused had to be completely proved. If this was done no witnesses or counsel on the other side need be attended to; if it was not done none were needed. The simplicity of this reasoning disarms modern criticism. A practice more consistent with modern ideas was introduced at the end of the seventeenth and the beginning of the eighteenth century, and completed by the practice of the latter century and eventually by a Statute of 6 and 7 Will. IV, when a prisoner accused of felony was allowed to make a full defence by counsel. The existence of a series of Statutes unluckily makes it impossible to credit the Common Law with this advance.

The only other legal point that I need notice is that I have throughout spoken of the evidence in the case. Accepting the rule that the facts in the case were to be proved by examinations, depositions as I have called them, I think that all that can be considered to have been attempted to be proved were the facts alluded to at Cobham's first confession, and that Cobham went from Raleigh's room to see Lawrency, which was not denied. Everything else, whether in any degree relevant or not, may be neglected on the ground that it was hearsay; not because of any technical rule on that subject, but because it came within the mischief which that rule is framed to

prevent. The wisdom of that rule has been doubted by authorities whose opinions are entitled to consideration. A reference to many passages in this trial will afford a good practical argument in its favour. The matter, however, was not noticed, and it is in later times that we must look for the foundation of the rule that what the soldier said is not evidence.

This brings me to the last matter that I have to notice, namely, the purely personal questions that arise in the trial. They are perhaps the most interesting feature of the case; but I feel quite incapable of doing justice to them. As regards Raleigh himself I am confined to one aspect of his career, namely, his conduct as an accused person. What cause he had given for the suspicions of the Government, I cannot say, but as I have said he was defending himself against a charge that had no legal foundation, before a Court that was determined to convict him against all considerations of justice. The occasion was one in which courage, resource, patience, and alertness were continuously required, and Raleigh displayed them all in the highest degree. His dealings with Cobham and Aremberg no doubt left weak points in his defence; but he never lost his head, he never gave way; and throughout he never ceased to urge his real defence. He was substantially and essentially in the right, and his conduct was consistent with the best that has been said of his character.

Of Popham I have said more than I wish it were necessary should be said at all.

Two other great figures remain. Contemporary and subsequent opinion have passed a judgment on the conduct of Sir Edward Coke, that has never been questioned. His vituperation of Raleigh is an unparalleled example of forensic brutality; and the law courts show nothing approaching to it till we come to the time of Jeffreys. His method of dealing with the evidence was as unfair as it was possible for it to be. It seems to me impossible to doubt

that he was fully aware of the weakness of his case, and that he deliberately availed himself of Raleigh's unpopularity and the subservience of the Court to political considerations to create an atmosphere in which full effect might be given to it. His opening speech, as reported, affords some indications of the profound learning which has never been disputed, and also for that love of technicalities which he shared with so many of his contemporaries and of his fellow lawyers of all time, that does not escape the imputation of pedantry. His conduct of this trial is unluckily the best known of his appearances as an advocate, and gives no indications of that resolute independence which he was to display later on a wider stage. But it must be admitted that it leaves a stain on his reputation that nothing can remove, and forms a leading example of that subservience to base motives which it is the pride of his profession to have escaped from.

Lastly I must ask what is to be said of Robert Cecil? Taking the trial by itself he appears in the rôle of a friend reluctantly yielding to the force of the evidence. That he disapproved of Coke's behaviour is pretty plain. But did he really believe that Raleigh was guilty? or did he consider that though his guilt was not proved his conviction was necessary for the safety of the State? and if so was he chiefly responsible for the trial and the miscarriage of justice that it produced? I can only ask the questions which have, I think, all been put before and answered in various ways. If any final answer is forthcoming it must depend on sources that are beyond my views, but speaking merely as a reader of the trial I may hope that Cecil's interventions were as nearly as may be really what they appear to be.

This is all I have to say of the trial. May I draw my own moral from it? Raleigh was unjustly and wickedly convicted by the highest officers of the State exercising their most solemn functions. Of the many men who have been unjustly convicted he was perhaps the most

illustrious. We have learned better since his day, and have created a system of justice of which we have real reasons to be proud, but how have we done it? To my mind the answer comes as clear as clear can be. We have done it by studying our law continuously, diligently, honestly, and with such ability as was ours, for let us say 1000 years. Each generation has preserved from its inheritance most of what was good, much that was useless, and some at least of what was bad, but the process of growth has never ceased, and I should so far boast of my country as to say that our faces have ever been turned to the light.

Just comparisons are not odious in that they are necessary. In comparing ourselves with our ancestors we are apt to be unjust, because we forget how much of our merits we owe to them. It is more just, because more instructive, to compare our institutions with those of other countries; and if this is done there are few periods at which we need fear the result. The great stream of law flows with a depth that conceals much, but it throws up waves, generally turbid enough, that indicate its course. Raleigh's trial was such a wave, consistently with his character. It was a tragedy for all concerned; it is a disgrace to English law. But it has always served as a warning of what is to be avoided, and the more closely its details are studied the higher will be the estimate we shall form of the history of our legal institutions from the dawn of history to the present day.

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REPORT OF THE COUNCIL, SESSION 1917-18.

The Council of the Royal Historical Society have the honour of presenting the following Annual Report to the General Meeting of the Fellows.

They cannot, they feel, turn to the affairs of the Society before putting on record their thankfulness for the triumphant close of the most momentous struggle in history. A thankfulness which they feel sure they may express in the names of all the Fellows.

The Session opened with the deliverance of Jerusalem, its course saw the last great crisis of the war in France. It ended with the liberation of Syria, the capitulation of Germany's Allies, the break-down of the German armies. Just after its close came Germany's acknowledgment of defeat, the armistice and the surrender of the fleet. The state of the whole of Central and Western Europe, and of Western Asia, has been revolutionised. The making has far out-stripped the writing of history. The all-important Peace Conference which is to meet after the New Year will remake the map of the world on a scale far greater than that which was seen in 1763 or 1814-15.

The course of the Society has been uneventful. The number of elections has remained steady, and the high standard of the qualifications of elected Fellows has been sustained. The Library has continued to increase by exchange with other Societies at home and abroad, and by gifts. Dr. Prothero has continued his generous additions to the Library, and Mr. G. W. T. Omond has given a number of valuable books, many upon Scottish Ecclesiastical History. Dr. Blake Odgers, Dr. Foster Palmer, Mr. Edgar Prestage, and others have given books and pamphlets. Fellows may be reminded that we still lack many books of reference, and that they themselves, if authors, are most properly to be represented by their works on the shelves of the Society's library.

An exchange has been arranged with the Sociedade Portuguesa dos Estudos Historicos; several books on Portuguese history have

been presented to the Society, and Dr. Braamcamp Freire, a leading historical scholar in Portugal, has been elected a Corresponding Fellow.

The Council wish also to nominate Dr. Emilio Re, of the State Archives, Rome, as a Corresponding Fellow.

The Society has lost by death, during the Session, eight Fellows. These include His Grace the Duke of Northumberland, Dr. Edwin Freshfield, the Rev. Chancellor T. Scott Holmes, and Captain N. W. Freeman, killed in action. Since the end of the Session, but during 1918, the death of Professor Hume Brown, Honorary Fellow, has removed one of the most distinguished of Scotch Historians. The Council also record with regret the death of Sir A. S. Scott-Gatty, Garter King-at-Arms.

The Council have decided to start a new Series of Transactions, differing slightly in appearance and contents from the former issues.

The following Papers were read in the course of the Session 1917-18:—

'Wellington, Boislecomte, and the Congress of Verona' (1822). By Captain J. E. S. Green, M.A., F.R.Hist.S. (November 8, 1917.)

'The Correspondence of the First Stuarts with the First Romanovs.' By Mme. Inna Lubimenko (Docteur de l'Université de Paris (Lettres)). (December 13, 1917.)

'Henry of Bray's Plague Recipe.' By J. Foster Palmer, M.R.C.S., L.C.P., F.R.Hist.S. (December 13, 1917.)

'Traces of Primitive Agricultural Organization, as suggested by a Survey of the Manor of Martham, Norfolk' (1101-1292). By the Rev. W. Hudson, M.A., F.S.A. (January 10, 1918.)

'The Evolution of Capitalism in the Woollen Industry.' By E. Lipson, M.A., F.R.Hist.S. (March 14, 1918.)

'The Ceylon Expedition of 1803.' By Miss V. M. Methley, F.R.Hist.S.

'The Establishment of the Great Farm of the English Customs.' By A. P. Newton, D.Litt., F.R.Hist.S. (May 9, 1918.)

At the Annual Meeting on February 14, 1918, the President, Professor C. W. C. Oman, delivered an address on the subject of the Psychology of Rumour in War-time.

The Alexander Medal was awarded to Mr. Theodore F. T. Plucknett, M.A., for an essay on 'The Place of the Council in the Fifteenth Century'.

During the Session Lectures were delivered before the Society, in December, by Lieut.-Colonel A. C. Yate, F.R.G.S., upon 'The Treaty of Tilsit and India, 1807-1843'; in January, by Sir F. T. Piggott, LL.M., upon 'The Declaration of Paris, 1856'; in March,

by Captain Murray Wrong, M.A., upon 'Canada'; in April, by Professor Egerton, M.A., upon 'The Government of Crown Colonies in the 19th as Contrasted with that in the 17th Century'; in May, by Sir J. A. Cockburn, K.C.M.G., upon 'Australia as a Pioneer in Constitutional Development'; in June, by Lieut.-Colonel Amery, M.P., upon 'The South African Union'; and in June, by Sir G. W. Forrest, D.Litt., K.C.S.I., upon 'Indian Government'.

Most of the above Papers, with three of the Lectures, are printed in the *Transactions* (Fourth Series, Vol. I.).

Volume I. of the *Transactions* (Fourth Series) is now ready for issue, and three volumes of *Publications* are in the Press, namely, Camden, Third Series, Vols. XXIX. and XXX., 'The Stonor Papers (15th Century),' Parts I. and II., edited by C. L. Kingsford, M.A., F.S.A., and Camden, New Series, Vol. 63, 'Nicholas Papers,' Vol. IV., edited by Sir G. F. Warner, D.Litt., F.B.A. The two volumes of 'The Stonor Papers' will be issued together during the present Session.

The Council have arranged for the publication of a much needed "Repertory of British Archives" describing briefly the nature and distribution of the Public and Local Records and Historical MSS. in the United Kingdom, edited by the Director, assisted by several post-graduate research students of London University. Part I. of this work, for England, is now in the Press. Part II., for Scotland, Ireland, Wales, the Channel Islands, the Dominions and Crown Colonies, is in preparation. Information and advice have been promised by the Hon. Treasurer, the Hon. Secretary, and several distinguished custodians of archives.

On May 8 a Reception was arranged to meet Professor McLaughlin, delegate of the History Schools of the American Universities, who delivered an address upon the War and the Anglo-American Alliance

As the Session was closing the Raleigh Commemoration, upon the Managing Committee of which the Society was represented, was beginning. A lecture in connexion with the Commemoration by Sir Harry L. Stephen, upon the Trial of Sir Walter Raleigh, was delivered in the Society's Rooms in November, 1918.

At the end of the year the War Office approached the Society, as they did many other learned bodies, with a request for lecturers who would go to camps in England and abroad to deliver lectures gratuitously to Soldiers, in connexion with the Army Education Scheme. It is manifestly impossible for many busy men to entertain

such a suggestion, but several Fellows have come forward and are delivering lectures in England or in France. Among others the President is retained to deliver a series of a week's lectures to the VI. Corps of the British Army of Occupation in Germany in March-April, 1919.

A step of, it is believed, considerable importance for historical interests, was taken by the Council in the summer. The activities of the Royal Commission on Public Records having been suspended before the publication of its Third Report, the Council have made arrangements for exerting some beneficial influence upon the custodians of Records. The members of the late Royal Commission who were Fellows of the Society have been, with some additions, constituted as a Records Committee. The time is critical, great masses of Records have been accumulated bearing on the war. There are some of them in the present custody of Departments which will shortly come to an end; all are improperly housed, and unless the authorities can be induced to listen to representations from those who understand such interests, much valuable matter for the inner history of the War and of war-administration will be lost. This is over and above the pressing need for better care and supervision of local Records. For these, County, or District Record Offices, with suitable repositories and custodians, are a growing need. These, and similar points, will be pressed by the Committee upon public notice.

At the last Annual General Meeting, February 14, 1918, Colonel E. M. Lloyd, R.E., and Mr. R. A. Roberts, Vice-Presidents, retired in rotation under By-law XVII., and were re-elected. The following Members of the Council, J. Holland Rose, M.A., Litt.D., G. M. Trevelyan, M.A., G. P. Gooch, M.A., and Captain Basil Williams, M.A., retired under the same By-law, and were re-elected. The Annual Report, for 1916-17, was presented and adopted.

The Secretary reports that the total membership of the Society on October 31, 1918, including Honorary, Corresponding, Life, and Ordinary Fellows, and Subscribing Libraries, was 854. Of this number 12 were Honorary Fellows, 27 were Corresponding Members, and 84 were Life Fellows. The annual subscriptions are received from Ordinary Fellows paying £1 1*s.* under the old regulations; former members of the old Camden Society and Subscribing Libraries paying £1; and Fellows paying the statutory subscription of £2 2*s.*

There are 57 British and Foreign Societies which exchange *Transactions* with the Royal Historical Society.

The Treasurer reports that the Income of the past year exceeded the expenditure by £123 15*s.* 2*d.*

The Auditors report that they have examined the statement of Income and Expenditure, together with the Balance-sheet appended to this Report, and have certified the same to be correct from their inspection of the books and vouchers.

Finally, the peculiar exigencies of the time require some further indications of the policy which the Council propose to follow with regard to the future, a policy for which they ask the support of the Society.

First, the setting free of labour, and the expected fall in the very high price of paper, will, it is hoped, enable the Society to increase its output of publications for the use of Fellows.

Secondly, the Council have already approached the Treasury with a suggestion for the celebration of peace by the issue of a special Peace Coinage, as was done after 1815. The Numismatic Society has concurred in the suggestion.

Thirdly, enquiries are being made about the cost of a die for a medal, which might be substituted for the one now given as the Alexander Prize, and also presented on occasion by the Society as a recognition of eminent historical merit.

Fourthly, the question of Enemy-Members has been seriously considered. The Council have been in communication with the Royal Society and other learned Societies, with a view to taking some common, or similar, action. It has seemed to them imperative that the names of Corresponding Members of German and Hungarian nationality, and of the Ordinary Fellows of the same nationalities of whom there are only a few, should be removed, unless such Members have dissociated themselves explicitly from the late political and military action of their countries. The time may return when the learned world can be re-united upon a basis of common interest in a common civilisation, but not yet.

ROYAL HISTORICAL SOCIETY.

I.—Income and Expenditure Account relating to the Year ending October 31, 1918.

Income.	£	s.	d.	*Expenditure.*	£	s.	d.
Subscriptions of 1917: 1 at 20*s.* £1 0 0				Publications: Printing and Distributing £415 6 2			
,, ,, 15 at 42*s.* 31 10 0				Editing and Indexing . . 32 2 0			
£32 10 0				£447 8 2			
Less amount estimated to be received in last year's accounts for subscriptions in arrear 24 0 0				*Less* received from Sales . 40 13 9			
Subscriptions in arrear, received in excess of estimate	8	10	0		406	14	5
Subscriptions now in arrear estimated to be received	20	0	0	Salaries of Director and Assistant Secretary and travelling expenses of Hon. Secretary 320 0 0			
Subscriptions of 1918: 195 at 20*s.* . . . 195 0 0				Wages 83 19 9			
,, ,, 23 at 21*s.* . . . 24 3 0					403	19	9
,, ,, 440 at 42*s.* . . . 924 0 0				Rent of Premises, 22 Russell Square	170	0	0
1143	3	0		Coal	6	18	4
Life subscriptions: 5 at £21 . . . . 105 0 0				Electric Light, Gas, etc.	7	7	10
Less proportion required by By-Law IX. to be invested (see Balance-sheet) . . . 70 0 0				Rates (Parochial, etc., and Taxes)	78	12	4
				General Printing and Stationery	78	12	6
	35	0	0	Library: Books, Periodicals, and Binding . .	15	17	5
Dividends on Russian 4 % Bond (Alexander Trust) .	0	14	10	Postages, etc.	26	6	6
,, Consols	12	13	8	Sundries (Petty Cash payments)	21	8	4
,, India 3½ % Stock	22	16	10	Advertising	2	0	6
,, Canada 3½ % Stock	8	14	0	Insurance (Fire, Aircraft, etc.)	9	5	6
,, War Stock 5 %	24	6	4	Monthly Meetings (cost of Refreshments) . . .	13	9	4
Interest on Deposit Account at Bank	6	2	0		£1240	12	9
Historical Association	16	11	0	Balance, being excess of Income over Expenditure for the year ending October 31, 1918, carried to Balance-sheet	123	15	2
British Archæological Association	30	0	0				
American Historical Society	32	0	0				
Surrey Archæological Society	2	15	3				
Sundry small receipts	1	1	0				
£1364	7	11			£1364	7	11

II.—Balance-sheet of Liabilities and Assets at October 31, 1918.

Liabilities.	£	s.	d.	£	s.	d.
Life subscriptions required to be invested as Capital Account (By-Law IX.): amount brought forward from last Balance-sheet	£1416	0	0			
Proportion of Life subscriptions received in 1917 (see Income and Expenditure Account)	70	0	0			
				1486	0	0
[Represented by Consols, India 3½ °/₀ Stock, Canada 3½ °/₀ Stock, War Stock 5 °/₀, and Cash on Deposit—see *contra*.]						
Alexander Trust Fund [Russian 4 °/₀ Bond—see *contra*]				98	17	6
Subscriptions received in advance				37	16	0
Amount due to Aberdeen University Press, not yet paid				300	0	0
Balance, being surplus of Assets over Liabilities at date, viz., Amount brought forward from last year	£2637	13	0			
Add Excess of Income over Expenditure as shown by Income and Expenditure Account	123	15	2			
				2761	8	2
				£4684	1	8

Assets.	£	s.	d.	£	s.	d.
Consols 2½ °/₀ £699 9*s.* 9*d.* valued at				400	0	0
India 3½ °/₀ Stock £900 at cost				847	16	6
Canada 3½ °/₀ Stock £300 at cost				285	1	9
Russian 4 °/₀ Bond				98	17	6
War Stock 5 °/₀, £450 at cost				410	8	9
War Bonds 4 °/₀, £150 at cost				152	5	0
[The current market value of the above investments, omitting the Russian Bond, is £1859.]						
Cash at Bank: Current Account	£253	9	11			
,, Deposit ,,	215	13	2			
Petty Cash Balance in hand	0	9	10			
				469	12	11
Stock of Publications at Russell Square (value as insured)				100	0	0
Stock of Publications with Messrs. Spottiswoode, Ballantyne & Co. and Messrs. W. H. Smith & Son (value as insured)				500	0	0
Library (value as insured)				1000	0	0
,, Manuscripts (value as insured)				100	0	0
Furniture, etc.				300	0	0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)				20	0	0
				£4684	1	8

(*Signed*) Henry R. Tedder, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct.

(*Signed*) Wm. Page,
J. Foster Palmer,
A. Forbes Sieveking, } *Auditors.*

23rd December, 1918

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(INCORPORATED BY ROYAL CHARTER.)

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